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Wednesday,
21th September,
1955

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

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LOK SABHA

Wednesday, 21st September 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Clock Factory

*1975. **Shri Dabhi :** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1819 on the 2nd April, 1955 and state :

(a) whether the clock manufacturing factory at Indore has gone into production ; and

(b) if so, whether these clocks are of requisite quality ?

The Minister of Industries (Shri Kanungo) (a) No, Sir.

(b) Does not arise.

Shri Dabhi: May I know when the factory is likely to go into production ?

Shri Kanungo: The officers met recently in Bombay to place orders for the requisite machinery and when the machinery is available, it will go into production.

Shri M. L. Dwivedi : May I know if the Government is aware that clocks and timepieces are also being manufactured in Delhi ; if so, whether they are of the requisite quality ?

Shri Kanungo: Yes. Quite a large number of clocks and timepieces are manufactured in India, may be in Delhi also and this one is only for clocks, half of which will be made in cottages.

Bhakra Dam

*1977. **Sardar Akarpuri :** Will the Minister of **Irrigation and Power** be pleased to state :

(a) when the construction of the Bhakra Dam is likely to be completed; and

(b) the progress made so for with regard to the down and up stream coffer dams ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) 1959-60.

(b) The Upstream and Downstream Coffer Dams were completed on 31-5-1955 and 31-3-1955 respectively.

सरदार अकरपुरी : क्या यह सत्य है कि ज्यादा स्ट्रोंग ब्लास्टिंग की वजह से डैम की साइट्स में शिगाफ आ गये थे और वे कुछ कमजोर हो गई थीं जिस की वजह से कंक्रीट से और सीमट से उन को दुबारा भरना पड़ा ?

श्री हाथी : कंक्रीट डैम अभी शुरू नहीं हुआ है ।

सरदार अकरपुरी । मैं शायद अच्छी तरह समझ नहीं पाया हूं । मेरा मतलब यह है कि जो पहाड़ियां दोनों तरफ हैं उन को ब्लास्टिंग करने से कुछ क्रैक आ गये थे और साइट्स कुछ हिल गयी थीं, उन में शगाफ आ गये थे और फिर उन में सीमट और कंक्रीट और ज्यादा डाल कर भरा गया । मैं जानना चाहता हूं कि क्या यह बात सच है ?

Shri Hathi: May I explain in English as in Hindi, I may not be able to. It is a fact that some clay zones were there on the abutment side, but not on the main foundation side. This is yet being examined, and if necessary we shall go further down to avoid the clay zone.

योजना तथा सिंचाई और विद्युत् मंत्री (श्री नन्दा) : इन का मतलब यह है कि कुछ चीज हुई जिस की वजह से शिगाफ आ गये और जो साइट पहले चुनी गई थी उसे बदलना पड़ा । यह बात गलत है । कोई नये शिगाफ पैदा नहीं हुए । कई बार ऐसा होता है कि सरफेस इस किस्म की होती है जिसे कि स्पेशल ट्रीटमेंट देना पड़ता है और उसके लिये वह ट्रीटमेंट दिया जा रहा है । कोई नये शिगाफ पैदा नहीं हुए ।

Shri T. N. Singh : May I know whether the expected capacity of power generation from the Bhakra Nangal has in any way been reduced from the original estimate ; if so, what is the reason ?

Shri Hathi : The capacity has not been reduced. We have issued a press statement to this effect.

Sardar Hukam Singh : Was there a complaint of overblasting of the hills on the site of the dam ?

Shri Nanda : I have dealt with that very question. There were some suggestion made in the press and by others that the blasting which had been done was done perhaps a little too much and therefore it affected the soundness of the foundatins. As soon as this thing came to my notice, I had the matter looked into in the best possible manner and satisfied myself that that had not occurred, and further more, a Board of consultants is going to meet soon with some experts from outside. They will again go into this matter.

Unused Transmitters

*1979. **Shri Gidwani :** Will the Minister of **Information and Broadcasting** be pleased to refer to the reply given to Starred Question No. 980 on the 15th December, 1953 and state :

(a) whether the 50kw medium wave transmitters purchased long ago have since been utilised ;

(b) the number of such transmitters lying unused for a long time ;

(c) the period for which they were lying in the stores :

(d) the cost of maintenance of these transmitters while in storage ;

(e) the loss due to deterioration, and

(f) the cost of reconditioning the damaged equipment ?

The Minister of Information and Broadcasting (Dr. Keskar) (a) Yes.

(b) None.

(c) Six transmitters were received during the period 1948-1950. One was installed in 1951. Installation of another one was done in 1953, two in 1954 and the other two in 1955.

(d) to (f). Excepting godowns charges no expenditure was incurred on account of their maintenance, deterioration or reconditioning.

Shri Gidwani : Were these transmitters purchased through D. G., S. & D., after calling for tenders or on any *ad hoc* basis ?

Dr. Keskar : I cannot speak on behalf of the Director General of Supplies and Disposals. He follows the regular procedure laid down by the Government. Whether he did so in this particular instance I do not know, but I presume he has.

श्री एम० एल० दिवेदी : मैं जानना चाहता हूं कि क्या इन ट्रान्समिटरों के साथ मैं कुछ ऐसे कीमती वाल्व थे जिन की जिन्दगी केवल तीन वर्ष थी? चूंकि इन ट्रांसमिटरों का प्रयोग तीन साल खत्म हो जाने के बाद किया गया है, मैं जानना चाहता हूं कि इन वाल्वों का क्या हुआ, यदि नुकसान हुआ तो कितने रुपये का नुकसान हुआ ?

डा० केसकर : मैं आनरेबुल मैम्बर को बताना चाहता हूं कि मैं उनकी तरह बड़ा टैक्नीशियन तो नहीं हूं और मैं नहीं जानता हूं कि ऐसे वाल्व थे जिन की उम्र तीन साल की थी। रेडियो वाल्व जितने हजार घंटे या जितने सौ घंटे वे जलाये जाते हैं उसी के हिसाब से उन की जिन्दगी गिनी जाती है। लेकिन जिस कम्पनी से यह खरीदे गये थे उस के साथ यह कंट्रैक्ट्स था कि अगर ये रखने से खराब हो जायें तो उन को वह कम्पनी रिप्लेस करे। इसी कांट्रैक्ट के अनुसार जो कुछ वाल्व रखने से खराब हो गये उन के बदले में कम्पनी ने हमें दूसरे दे दिये।

Indo-Soviet Technical Assistance

*1980. **Shri Bogawat :** Will the Minister of **Iron and Steel** be pleased to state :

(a) whether India would be sending a team of technicians of experts to undergo training in the Urals Machinery Plants or other plants in the U.S.S.R. under any Indo-Soviet Agreement for technical assistance :

(b) if so, how many technicians or experts would be sent and for what training and in what plants :

(c) whether there has been any Indo-Soviet Agreement on this subject ; and

(d) if so, the terms thereof ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) to (d). I have stated the position in my answer to the Started Question No. 1715 on the 13th September, 1955, that Government are still awaiting the scheme from the Soviet authorities.

Shri Bogawat : For what period will these experts be there in the Urals ?

Shri T. T. Krishnamachari : The experts will be trained for the purpose of the steel plant. As I said, until I get the scheme, the final project scheme, for the U.S. S. R. authorities, I will not be able to say anything about it.

Iron and Manganese Ore

*1984. **Shri R. N. S. Deo** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that Government have received a Memorandum from the Orissa Chamber of Commerce regarding the export of Iron and Manganese ores ;

(b) if so, the main difficulties of the mine-owners, and the remedial measures taken in the matter ; and

(c) the steps taken for providing marketing facilities of mine-owners-producers in proportion of their production ?

The Minister of Commerce (Shr Karmarkar): (a) The memorandum of the Orissa Chamber of Commerce regarding export of iron and manganese ore has come to the notice of Government.

(b) and (c). The quota system was primarily introduced to facilitate exports by new comers and mine-owners because under the circumstances prevailing in 1953 new comers were finding great difficulty in securing wagons for movement of their ores. More than 50 per cent of the available railway space is now being allocated to mine-owners for movement of ores for export. Allotment is made *pro-rata* to their production. Their main grievance is against established shippers other than mine-owners being allowed to participate in the movement and export of ores. Government are not prepared to accept the suggestion that established shippers should be completely eliminated from the quota scheme for the allocation for wagons.

Shri R. N. S. Deo : May I know whether the Government are taking any steps for quality control in the export of mineral ores ?

Shri Karmarkar : We are not taking any. That question has not arisen.

Shri R. N. S. Deo : May I know whether middlemen shippers are encouraged in other export commodities, the major exports like coal, textiles, tea, jute etc., and if not, why middlemen shippers are encouraged in the mineral industries ?

The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari) : The main purpose of our allowing exports is that we should earn foreign exchange, and all the precaution that we take is to subserve that purpose, that is, goods really move out. We cannot encourage people merely because they happen to be the primary owners if they do not have foreign contacts. Foreign contacts are essential Wherever this is not necessary, other types of people are encouraged to have a prior claim to the exportof these goods, but the main purpose canot certainly be ignored in this matter.

Shri Sarangadhar Das : In view of the fact that almost in everything it is the purpose of the Government to eliminate intermediaries, may I know why intermediaries in this case, the shippers who had monopolised all the space in the dockyard of Calcutta, should be given preference over mine-owners who are producing, and that on the plea that the mine-owners have no foreign contacts.

Shri T. T. Krishnamachari: The mine-owners have to prove that they have foreign contacts. To the extent that we do not have a large quantity of these ores lying in the Calcutta port we are prepared to encourage mine-owners. But I repeat what I said earlier, namely that the main purpose so far as Government are concerned is that we should have exports.

Shri P. C. Bose : In view of the proposed construction of the new iron and steel factories, do Government propose to take over all these mines from the hands of individuals ?

Shri T.T. Krishnamachari: No. There is no need, because we have got such a large quantity of ore available in this country that even if we go on exporting for the next hundred years, we shall still have enough ore for our steel plants.

Indian Textile Industry

*1986. **Shri Bishwa Nath Roy** : Will the Minister of **Commerce and Industry** be pleased to state whether the Indian Textiles Industry is expected to make up the loss by the end of the current year which resulted to the labour strike in the textile Mills at Kanpur ?

The Minister of Industries (Shri Kanungo) : The overall figures of production for 1955 is expected to be slightly higher than 1954 production barring accidents. It can be presumed therefore that the loss in production as a result of the strike at Kanpur would be made up by a small increase in production over the entire sector.

Shri Bishwa Nath Roy : May I know the loss in production of cloth due to this strike ?

Shri Kanungo : A little less than 50 million yards.

Shri Bishwa Nath Roy : May I know how much the workers lost as their daily wages as a result of this strike ?

Shri Kanungo : We have no information of that. I may add that the total loss on account of the strike was of the nature of one per cent. of the total production.

Shri Bishwa Nath Roy : May I know the loss of excise duty to Government on account of this strike ?

Shri Kanungo : It has not been worked out.

Groundnut oil and cakes

*1987. **Shri C. R. Chowdhury** : Will the Minister of **Commerce and Industry** be pleased to lay on the Table of the House a statement showing :

(a) the underlying principles for the imposition of increased export duty on groundnut oil ;

(b) the basis for allowing free export of Groundnut Oil-cake without export duty ; and

(c) the internal price of Groundnut oil-cake per ton in the years 1954-55 and 1955-56 and how they compare with the external prices ?

The Minister of Commerce (Shri Karmarkar) : (a) and (c) A statement is laid on the Table of the House. [*See* Appendix X, annexure, No. 30.]

(b) Groundnut-Oil-cake is not allowed to be exported free of duty. Exports are subjected to a duty of Rs. 230 a ton.

Shri C. R. Chowdhury : May I know whether groundnut cake is surplus in the country, and if so, whether it is because of that it is allowed to be exported free of duty ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : No. My colleague has definitely denied the fact that it is being allowed to be exported free of duty. We charge about Rs. 230 per ton, and it happens to be a very important source of revenue for us.

So far as the question of its being surplus is concerned, we are guided in this matter by the advice we get from time to time from our sister Ministry, namely the Ministry of Food and Agriculture. It is their opinion that there is a surplus quantity of groundnut oil-cake, which can be exported safely without any detriment to local consumption.

Shri C. R. Chowdhury : May I know-hether Government are aware of the fact that groundnut cake is being sold locally at abnormal prices thereby jeopardising the interests of the agriculturists who use it as a fertiliser for securing greater production ?

Shri T. T. Krishnamachari : That is not my information. At any rate I have to refer this question to the Ministry of Food and Agriculture for verification.

Shri Sarangadhar Das : Are Government aware of the fact that while we are manufacturing nitrogenous fertilisers in the factories on the one hand, we are exporting on the other hand organic nitrogenous manure which should go back to the soil in the form of excreta of the cattle to whom it should be given as feed. Have Government given any attention to this question ?

Shri T. T. Krishnamachari : Government are still thinking in relative terms, and not in absolute terms as the hon. Member seems to think.

Shri C. R. Chowdhury : May I know the firms which have been allowed to export this commodity ?

Shri T. T. Krishnamachari : Notice.

Lift-Irrigation Scheme of D.V.C.

*1988. **Shri Nageshwar Prasad Sinha** : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether any scheme has been formulated to set up electrical plants and machineries for the purposes of lift-irrigation in Tilaiya and Konar areas of the D.V.C.; and

(b) if so, the details thereof ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) The DVC had drawn up a scheme for lift-irrigation by means of electric pump from Tilaiya reservoir, only. The scheme was, however, given up on account of its prohibitive cost.

(b) Does not arise.

Shri Nageshwar Prasad Sinha : May I know whether the attention of Government has been drawn to the fact that this area is suffering from drought annually, and if so, whether any arrangement is being made to irrigate this area from the huge accumulation of water in these dams ?

Shri Hathi : The DVC have constructed other smaller dams also which irrigate the areas roundabout. So far as the water from the Tilaiya is concerned, they did prepare a scheme but it was rather very costly. They have now prepared another scheme and submitted to the Bihar Government.

Shri Nageshwar Prasad Sinha : Is there any proposal to have a network of small canals to drain out water from these dams and to supply it to the paddy fields ?

Shri Hathi : Perhaps the terrain of the country would not permit flow irrigation.

Shri Nageshwar Prasad Sinha : What was the cost which was said to be prohibitive ?

Shri Hathi : About Rs. 1000 per acre.

Rourkela Project

*1991. **Shri Sanganna :** Will the Minister of **Iron and Steel** be pleased to refer to the reply given to Starred Question No. 32 on the 25th July, 1955 and state :

(a) whether it is a fact that the water in Rourkela Project area is under examination by experts with a view to determine its fitness for human consumption ; and

(b) if so, the results of the investigation ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) and (b). The water is the Koel river was examined and the analysis has proved that it is fit for human consumption.

Shri Sanganna : May I know whether investigation has been going on as to the mode of water supply to this plant and if so which system of water supply has been adopted, the circulation system or the non-circulation of system ?

Shri T. T. Krishnamachari : The present proposal is that we should adopt the circulation system so as to save the amount of water consumed. But if we find ultimately that we are getting enough water supply *i.e.* about 200 cusecs we might use the water and let it back into the river. But at the present movement all our thoughts are running in the direction of having circulation system.

Trade with East and West Asia

*1992. **Shri N. B. Chowdhury :** Will the Minister of **Commerce and Industry** be pleased to state the steps, if any, taken by Government to promote trade with the countries in the East and West Asia in accordance with Economic Resolution passed at the Bandung Conference ?

The Minister of Commerce (Shri Karmarkar) : A statement is placed on the Table of the House [*See* Appendix X, annexure No. 31].

Shri N. B. Chowdhury : From the statement I find that there is scope for intra-regional trade consultation, so far as it is in consonance with the resolution of the conference. May I know whether such consultations are made also with the countries outside the region, such as U.K. and U.S.A, which are also concerned with trade in the area ?

Shri Karmarkar : U.K. is a member of the ECAFE. It participates in the ECAFE, as also USA. But these intra-regional consultations effect the region proper. It is in respect of regional problems that these consultations should take place.

Shri N. B. Chowdhury : From the economic part of the resolution of the Asian-African conference, I find that they have recommended that collective action should be taken by the participating countries for stabilising the international prices of, and the demand for, primary commodities through bilateral and multilateral arrangements. May I know what action have been taken in this regard for the stabilisation of prices ?

Shri T. T. Krishnamachari : In a matter like this when two or more countries are concerned, the other party also should also make a move. If the other countries have not made a move, we cannot say what we could do in the matter.

Shri N. B. Chowdhury : I find that India has concluded trade agreements with eight of the countries that attended that conference. May I know whether Government are contemplating to conclude trade agreements with the other countries that joined the conference ?

Shri T. T. Krishnamachari : Yes ; If those countries are willing, we shall certainly consider the matter.

Shri N. B. Chowdhury : At what stage does that matter stand ?

Shri Kamath : Has any liaison committee or other body been set up for consultation and co-ordination between the countries of South-East Asia, if not the whole of Asia? And is there any proposal to set up a Customs Union for any particular region in this area?

Shri Karmarkar : There is no proposal for a customs union. ECAFE is the proper body which is the parent of this resolution.

Shri Kamath : What about the liaison body?

Shri Karmarkar : ECAFE is the acting body ; it is the body concerned with the economics of this region.

शत्रु सम्पत्ति का कस्टोडियन

*१९९१. **श्री के० सी० सोधिया :** क्या वाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) शत्रु फर्म और शत्रु व्यापार और शत्रु सम्पत्ति के कस्टोडियन के अधीन कितनी फर्में हैं, और शत्रु सम्पत्ति की कितनी कीमत है;

(ख) किन किन देशों से ये फर्में और शत्रु सम्पत्तियां सम्बन्ध रखती हैं; और

(ग) कंट्रोलर का कार्यालय कितनी कालावधि से काम कर रहा है और आजकल वहां पर किस प्रकार का काम हो रहा है ?

वाणिज्य मंत्री (श्री करमरकर) : (क) शत्रु फर्मों तथा शत्रु व्यापार के कन्ट्रोलर तथा शत्रु सम्पत्ति के कस्टोडियन के अधीन इस समय एक भी फर्म नहीं है । इस समय २,८५७ फर्मों तथा व्यक्तियों की सम्पत्ति उक्त अफसर के अधीन है और उस का मूल्य ६ करोड़ रुपये के लगभग है ।

(ख) सदन की मेज पर एक विवरण रख दिया गया है । [देखिये परिशिष्ट १०, अनुबन्ध संख्या ३७] ।

(ग) कार्यालय गत १६ वर्षों से काम कर रहा है और आज कल उस में निम्न लिखित प्रकार का काम होता है :—

(१) उस के अधीन जो सम्पत्ति है, उस का ठीक ठीक हिसाब किताब रखना;

(२) सम्बन्धित देशों के साथ जो सम्पत्ति समझौते हुए हैं उनके अनुसार शत्रु सम्पत्ति को उनके मालिकों को लौटाना; और

(३) भूतपूर्व शत्रु देशों के विरुद्ध भारतीय दावों की रजिस्ट्री करना और उनकी जांच पड़ताल करना तथा ऐसे दावों को तय कराना ।

श्री क० सी० सोधिया : इन दावों के तै करने में कुल कितना समय लगने की सम्भावना है ?

श्री करमरकर : समय अवलम्बित होता है दूसरी पार्टी के ऊपर भी । माननीय सदस्य जानते होंगे कि जापान और इटली के साथ हमारे नैगोसियेशन्स चल रहे हैं । हम नहीं कह सकते कि इसमें कितना समय लग जायगा ।

श्री के० सी० सोधिया : साल भर में ये कस्टोडियन लोग कितनी सम्पत्ति का फैसला कर देते होंगे ?

श्री करमरकर : ऐसा कुछ तो हुआ नहीं है कि इस साल इतना तै हो जायगा । हम ऐसा नहीं कह सकते कि एक साल में कितना डिस्पोजल हो जायेगा ।

श्री क० सी० सोधिया : कस्टोडियन के दफ्तर पर साल भर में कितना खर्च होता है ?

श्री करमरकर : इसके लिए मुझे नोटिस चाहिए । इसमें तो हमारा नुकसान ही होता है ।

Shri Kamath: Is the basis adopted by the British for categorisation of enemy countries our basis today, that is, the basis adopted by our Government ?

Shri Karmarkar : This deals with negotations in respect of what are considered as so-called "enemy" assets here and

our assets in foreign countries. I do not know exactly what the hon. Member means by 'British basis' as against 'Indian basis' The basis only one and according to certain agreements, there have been certain ways fixed for having our property back from them and their property back from us. Those matters are going on.

Shri Kamath : Are they still called enemy countries ?

Mr. Speaker : Order, order.

Mr. Clement D. Johnston

*1995. **Shri B. S. Murthy** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that Mr. Clement D. Johnston, President of the Board of U. S. Chambers of Commerce visited India recently ;

(b) if so, the purpose of his visit ; and

(c) whether he expressed any idea against the nationalisation of Industry ?

The Minister of Commerce (Shri Karmarkar) : (a) Government understand that one Mr. Clement D. Johnston did visit India.

(b) Government are not aware of the precise purpose of his visit.

(c) Government have no information

Broadcast of Regional News

*1996. **Shri Bhagwat Jha Azad** : Will the Minister of **Information and Broadcasting** be pleased to state whether regional news are broadcast from the Patna Station of All India Radio ?

The Minister of Information and Broadcasting (Dr. Keskar) : No yet. Sir.

Shri Bhagwat Jha Azad : From how many stations of AIR is regional news being broadcast these days ?

Dr. Keskar : At present, it is being broadcast from Lucknow, Nagpur, Bombay, Madras and Calcutta. I might also inform the hon. Member that plans are being prepared to have these broadcasts from the following stations of AIR : Gauhati, Cuttack, Hyderabad, Trivandrum, Patna and Jullundur.

Shri Bhagwat Jha Azad : By what time news in regional languages will be broadcast from these stations, especially from Patna ? May I know whether this area which is being served by AIR, Patna, has got any regional language. If so, what is the reason for this delay in regional language broadcast ?

Dr. Keskar : There is no question of delay. The broadcast of regional news bulletins from the stations I mentioned has been done on an experimental basis, because this thing had to be built up. Now with the experience that we have gained, we think that we can plan for all the important regional headquarters, and he can rest assured that from Patna also very soon we will have them broadcast.

Shri Bhagwat Jha Azad : May I know whether the section of light music and folk songs is also attached to such stations where regional language news is being broadcast ?

Dr. Keskar : I am afraid the hon. member is confounding regional language with regional dialect, because the question of light or folk music will come up not with regard to simple regional language, but as far as Hindi is concerned, with regard to regional dialects.

Dr. Ram Subhag Singh : There is a proposal, as the hon. Minister stated, to broadcast news in regional language from Patna also. May I know what will be the regional language which will be used by at the AIR station Patna ?

Dr. Keskar : I am afraid there is a complete misapprehension as to the objective of these news bulletins. There are no regional languages news bulletins; they are regional news bulletins. We have got all-India news bulletins broadcast in all the Indian languages. At the same time, it has been felt and represented to us by the various regions that news of regional importance escape, for example, more especially at State headquarters where there are Assemblies and a lot of political activity—that does not get broadcast on the radio. In order to obviate this, we proposed these regional broadcasts which need not necessarily be regional language news broadcasts.

First Five Year Plan

*1997. **Shri Barman** : Will the Minister of **Planning** be pleased to state :

(a) the total estimated expenditure to be incurred on development works during the First Five Year Plan ;

(b) the amount to be contributed by the Centre and the State Governments respectively ;

(c) the total amount spent during the last 4 years and the estimated expenditure for 1955-56 ;

(d) the amount actually contributed by the Centre and the State Governments respectively for the purpose;

(e) whether there is any shortfall in the expenditure ; and

(f) if so, the reasons therefor ?

The Deputy Minister of Planning (Shri S. N. Mishra) (a) to (f). A statement is placed on the Table of the House. [*See* Appendix X, annexure No. 33].

Shri Barman : From the statement, I find that there is a shortfall of Rs. 281 crores for which certain reasons are responsible, one of which is that technical personnel had to be built up, especially in the less advanced States. May I know the names of these 'less advanced States' ?

Shri S. N. Mishra : It is difficult to define the less advanced States. But I can say that there has been a shortfall more or less uniformly in almost all the States.

Shri Barman: It is stated that technical and administrative personnel had to be built up, especially in the less advanced States. May I know whether that deficiency with regard to those States has been made up since, so that they can proceed side by side with the advanced States in the Second Five Year Plan?

Shri S. N. Mishra : I cannot say that it has been completely made up, but it is being made up rather speedily now.

Shri Barman : May I have an overall picture of the whole of India in regard to the objective fulfilment of the Second Five Year Plan—what steps have been taken towards building up this administrative and technical machinery ?

Shri S. N. Mishra : It is a very large question and it is engaging our attention at the present moment, but we have not come to any particular, precise decisions which I may convey to the House.

Shri S. N. Das : May I know whether the attention of Government has been drawn to the fact that local development works are being hampered due to technical personnel not yet being available to the various States ? If so, what steps are being taken to remove this difficulty ?

Shri S. N. Mishra : Local development works form part of the whole plan, and so far as I can recollect, on one occasion, I had told the House that, to a certain extent, we were handicapped because of the lack of technical personnel. To that extent, there has been a shortfall, may be there are certain other reasons also. But I do not think there has been a very considerable handicap on that account.

Government Accommodation

***1998. Shri B. K. Das :** Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) whether it is a fact that a discrimination exists in the matter of retention of Government accommodation after retirement in the case of Government of India Press employees and other Government employees entitled accommodation from the general pool; and

(b) if so, the reasons for such discrimination ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) No, Sir.

(b) Does not arise.

Shri B. K. Das : In reply to my previous questions, the hon. Minister stated that in the case of the general pool in no case was the permission refused but in the case of the Press pool in four cases permission was refused. Do I understand that in the latter case consideration is made on more stringent basis ?

Sardar Swaran Singh : Actually, what I said in reply to question No. 905, unstarred, was that in cases where there is reasonable justification for any such extended allotment such extension has been granted. I did not say that extension was not refused in any case. What I said was that if there was any reasonable justification, then, it was not refused.

Shri B. K. Das : May I know, whether taking into consideration the number of employees in both these categories the percentage of houses placed in the Press pool is less ?

Sardar Swaran Singh : I do not think so, actually the Press pool is better as compared with the general pool. And, it is because they have to work in shifts, we have treated them very generously. If we do not give them extension after retirement, it is to enable those who are actually working in the Press to get the accommodation. That is why we are a little stringent in the granting of extensions.

Diamonds

***2003. Shri Ramachandra Reddi:** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that import quota of rough (uncut) diamonds was cut down to 25 per cent. since 1953 as compared to the imports of 1946-47 ?

(b) if so, the reasons for the reduction in the import quota and the enhancement of import duty ;

(c) the effect of this reduction on the revenue ;

(d) whether there is any proposal to increase the quota during the Second Five Year Plan ; and

(e) whether any State aid is proposed to be given to the Diamond Cutting Industry ?

The Minister of Commerce (Shri Karmarkar) : (a) In 1946-47 import of diamonds (uncut) was allowed on O.G.L. In January—June 1953, a quota of 20 per cent. was fixed after the item had been under ban for about 3½ years.

(b) Considerations of foreign exchange and revenue.

(c) Separate figures of revenue from import duty on rough diamonds are not available.

(d) Import policy is reviewed every six months after taking into consideration the various relevant factors prevailing at the time. It cannot be anticipated at this stage as to what will be the import policy during the Second Five Year Plan.

(e) There is no such proposal at present.

Shri Ramachandra Reddi : May I know whether the manufacture of synthetic diamonds is likely to reduce the import of uncut diamonds ?

Shri Karmarkar : It is too premature to say; it depends on the customers.

Shri T. N. Singh : May I know what was the number of diamonds cutters engaged in the diamond cutting industry prior to the reduction of import of rough diamonds and what is their position now and how much unemployment has resulted in that class ?

Shri Karmarkar : We have no information on that point ; we have not got a census of the diamond cutters.

Shri T. N. Singh : Is it not true that nearly 2,000 men who were carrying on this trade have been rendered unemployed and that also the export of cut diamond, in which we had developed a good trade, has gone down ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : No, Sir. Under the Export Promotion Scheme anybody who is capable of exporting these diamonds is allowed to import diamonds. With regard to the figures of unemployment, I have been hearing to much about these figures and I would like to tell the hon. Member that we have to accept these figures with a large pinch of salt.

Shri T. N. Singh : What is the small pinch of salt ?

Mr. Speaker : Order, order.

Shri M. L. Dwivedi : There were high-class technicians in diamond cutting in Panna. I want to know whether any advantage has been taken of their dexterity in diamond cutting and for exporting diamond to the outside world ?

Shri Karmarkar : I do not exactly catch what the hon. Member means by saying whether we are taking advantage of the cutters. They have our best wishes and I wish they prosper.

Indo-Iranian Trade

***2004. Shri S. N. Das** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that the Indo-Iranian Trade is decreasing ;

(b) if so, the causes thereof ; and

(c) the steps taken or proposed to be taken to improve this trade ?

The Minister of Commerce (Shri Karmarkar). (a) No, Sir.

(b) and (c). Do not arise.

Shri S. N. Das : May I know whether the figures of imports and exports to Iran for the years 1954 and 1955 are available and, if so, what are they ?

Shri Karmarkar : I am happy to tell my hon. friend that the trade has increased immensely during 1954 and 1955 as a comparison of the figures will show. The totals have been—both imports and exports—for the year 1955—56 to the tune of Rs. 4,21,00,000 for the months of April to June as against the figures for April to June 1954-55 which were Rs. 1,69,00,000.

Shri S. N. Das : May I know what are the commodities that are imported from Iran and whether it is a fact that because India does not export some of these articles there was dwindling in the trade ?

Shri Karmarkar : Our export items are drugs, medicines, fruits, vegetables, mineral, oil seeds, gums and resin. I find that our imports from Iran were to the extent of Rs. 3,35,00,000 as against Rs. 1,12,00,000 in 1954-55.

Shri Kamath : Are Indian traders in Iran subject to any disabilities to which Iranian traders in India are not subject ?

Shri Karmarkar : I understand that whatever trouble there was has disappeared on account of a recent law. There are no complaints about Indian traders finding themselves in trouble now.

Broadcasts in Portuguese

***2005. Shri Kamath** : Will the Minister of **Information and Broadcasting** be pleased to refer to the reply

given to Unstarrred Question No. 906 on the 19th April, 1955 and state :

(a) the number and designation of the staff employed for broadcasts in Portuguese ;

(b) the total time per day allotted to these broadcasts ; and

(c) whether Government have any reports as to their effect on Goan people ?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) 2 ; Staff Artists.

(b) Half an hour each of the broadcasts directed to Portugal and Goa respectively.

(c) Yes, Sir ; they are fulfilling their purpose of supplying cultural and political information which would not be available to them through any other source.

Shri Kamath : Are these broadcasts confined only to news or does it also include talks explaining India's case on Goa and countering f lse and poisonous propaganda by the Portuguese Government against India, and how much time is allowed for news and how much time for talks ?

Dr. Keskar: These talks have not been started with a view to publicity of Goa campaigns only. These talks were really started when we came to know that people in Portugal and Portuguese possessions were given all sorts of wrong and distorted information about India and that it would be to the benefit of themselves and ourselves if correct information is supplied to them. Half an hour is no rigid limit. As to how much of news and how much of talk and other things there are, that varies. There is a kind of variety programme that is given. There is also entertainment ; there are talks ; there is news and sometimes also small features.

Shri Kamath : Is the material for these broadcasts taken only from Reuter, PTI and AFP or also from Asian news agencies like the KYODO and ANTARA ?

Dr. Keskar : I do not know where the Reuter and the PTI come in here. Items of news which are considered to be of interest to these people are given there. We do not just take our news bulletins and have them translated into Portuguese and put them through.

Shri Kamath : By whom is the Portuguese script of these broadcasts vetted and okayed ? What are his qualifications and is it a fact that he has asked for more staff to man this Unit ?

Dr. Keskar : I am afraid I cannot specifically give the degrees possessed by the gentleman who vets these. We are satisfied that he is quite competent to do the work. Persons who we consider reliable and good are being employed on this work. As for more time, certainly there has been a claim for more time for these broadcasts but I am afraid that as long as we are not able to instal the transmitter at Bombay which is at present under erection it would not be possible to give more time.

Shri Kamath : I did not ask about more time, but more staff.

Mr. Speaker : I am going to the next question.

यूरेनियम के डिपोजिट

*२००६. **श्री मोतीलाल मालवीय** : क्या प्रधान मंत्री २९ मार्च १९५५ को दिये गये तारांकित प्रश्न संख्या २५२२ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) विन्ध्य प्रदेश में किस स्थान में यूरेनियम के डिपोजिट पाये गये हैं;

(ख) यूरेनियम किस मात्रा में पाया गया है; और

(ग) इस खनिज को अधिक मात्रा में प्राप्त करने के लिये सरकार क्या कार्यवाही करना चाहती है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) और (ख). बुंदेलखंड (विन्ध्य प्रदेश) के छतरपुर, पथारिया, कुर्राहा और पीदा के गांवों के पास ग्रेनाइट जखीरों में कुछ रेडियो एक्टिविटी का पता लगा था। यह रेडियोएक्टिविटी बिखरी हुई हालत में थोड़े से स्थानों में ही पाई गई, जिस का यूरेनियम के जखीरों की दृष्टि से कोई आर्थिक अथवा ज्योलोजीकल महत्व नहीं ।

(ग) इन इलाकों में खोज का काम १ अक्तूबर, १९५५ से फिर शुरू किया जायेगा।

श्री मोती लाल मालवीय : क्या यूरेनियम की खोज करते समय यूरेनियम जैसे कोई और बहुमूल्य पदार्थ का वहां पर पता चला है ?

श्री जवाहरलाल नेहरू : मुझे मालूम नहीं है । इस सवाल के सिलसिले में इत्तिला नहीं आई है ।

श्री एम० एल० द्विवेदी : क्या मैं जान सकता हूं कि इस क्षेत्र के आसपास इस किस्म का कोई पदार्थ पाने के लिये भी अनुसन्धान किया जा रहा है ?

श्री जवाहरलाल नेहरू : जी हां, मैं ने आप को बतलाया तो ।

Improvement of Scarcity Areas

***2008. Dr. Satyawadi** : Will the Minister of **Irrigation and Power** be pleased to state :

(a) the amount spent so far on the improvement of "Scarcity areas" out of the total amount earmarked in the First Five Year Plan under this programme ; and

(b) the progress made so far in this respect ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) A statement showing the loans given to the different States during 1953-54 and 1954-55 and the amounts earmarked for this purpose during 1955-56 is placed on the Table of the House [*See* Appendix X, annexure No.34].

(b) The requisite information is being collected by the Planning Commission for the Progress Report on the First Five Year Plan for 1954-55 which will be laid on the Table of the House in due course.

डा० सत्यवादी : जिस कदर रकमें कर्ज के रूप में स्टेटमेंट में बतायें गये वर्षों के लिये मंजूर की गयी थीं, क्या मैं जान सकता हूं कि राज्य सरकारों ने उन को यूटिलाइज कर लिया है या नहीं ?

श्री हाथी : जब प्रोग्रेस रिपोर्ट आयेगी तब इस का पता लगेगा ।

डा० सत्यवादी : पहली पांच साला प्लैन के खात्मे तक कमी के इन इलाकों के सम्बन्ध में जो स्कीमें बनाई गई हैं, उस के पूरे होने की आशा की जा सकती है या नहीं ?

श्री हाथी : कोई कोई स्कीमें पूरी हो जायेंगी, अभी तो पेपर में शुरूआत हुई है ।

Shri N. B. Chowdhury : May I know whether the money granted under this scheme was for a short-term measure or a long-term measure ?

Shri Hathi : That is a loan for a period of 30 years....

Mr. Speaker : What was the object of the scheme ?

Shri Hathi : The object of the scheme was improvement of the scarcity areas by irrigation works.

Mr. Speaker : In answer to some question before, I believe, Government has stated that it has two distinct classes—short-term scheme for immediate relief and long-term schemes.

Shri Hathi : This is really meant for immediate relief for the scarcity areas.

आदिवासी क्षेत्रों में कुटीर उद्योग

***२०१०. श्री अमर सिंह डामर** : क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या प्रथम पंचवर्षीय योजना के अधीन भारत सरकार ने किसी राज्य के आदिवासी क्षेत्रों में कुटीर उद्योग की योजना बनाई थी;

(ख) यदि हां, तो उस राज्य का नाम क्या है; और

(ग) वह योजना किस प्रकार की थी?

योजना उपमंत्री (श्री एस० एम० सिंघ): (क) तथा (ख) आदिवासी क्षेत्रों में कुटीर उद्योगों की योजना करना मुख्यता राज्य सरकारों का विषय है, और प्रथम पंचवर्षीय योजना में लगभग सब राज्य सरकारों के पास, जहां आदिवासी हैं, ऐसी योजनायें हैं। भारत सरकार केवल इस सम्बन्ध में आर्थिक सहायता देती है ।

(ग) योजनाओं में आम तौर पर यह बातें शामिल होती हैं :

(१) उत्पादन एवं प्रशिक्षण केन्द्रों की स्थापना ।

(२) जंगल की छोटी पैदावारों से पूरा पूरा लाभ उठाने के लिये क्रय, विक्रय व अन्य सहकारी संस्थाओं का संगठन ।

(३) टैक्नीकल तथा व्यवसायिक प्रशिक्षण केन्द्र; और

(४) ट्रेनिंग पाये हुए लोगों को काम में लग जाने के लिये आर्थिक सहायता ।

श्री अमर सिंह डामर : इन योजनाओं में मध्य भारत में कौन सी योजना चालू है ?

श्री एस० एन० मिश्र : मध्य भारत में करघे के केन्द्र खोले गये हैं और मधु मक्खी पालन का काम हो रहा है । साथ साथ बढ़ई और लोहार के काम का भी विकास वहां पर हो रहा है ।

श्री अमर सिंह डामर : ऐसी योजनायें क्या आदिवासियों की उन्नति के लिये पर्याप्त हैं ?

श्री एस० एन० मिश्र : ऐसा ही सोच कर तो इस को किया गया है ।

Shri B.S. Murthi: May I know what cottage industries have been started in the agency area of Andhra under this scheme.

श्री एस० एन० मिश्र : उन की तफसील तो बहुत है अगर उन के बारे में बताना चाहूंगा तो बहुत ज्यादा देर लगेगी ।

Displaced Persons' Townships in Delhi

*2011. **Shri Radha Raman** : Will the Minister of **Rehabilitation** be pleased to refer to the reply given to Starred Question No. 1028 on the 16th March, 1955 and state :

(a) whether the full control of the Displaced Persons' townships in Delhi State has since been passed on to the Local Bodies ; and

(b) if so, the conditions attached to such a transfer ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) (a) Yes, in respect of such services in the various rehabilitation colonies as are complete. Rest will be taken over by them as soon as completed.

(b) Services which are complete have been handed over to the local bodies subject to the conditions.

(i) where the target date is not adhered to for some reason or other, the local body should proceed to complete a particular service ony if the C.P.W.D. are unable to complete it within a reasonable extension of time ;

(ii) that Colonies where important services like sewerage etc. will take over six months to complete, the question of financial assistance to the local body for expenditure on maintenance of those services during the interim period will be considered on receipt of proposals from Ministry of Health.

Shri Radha Raman : May I know if the hon. Minister will be able to tell us which are the towns which have so far been transferred and what are the remaining ones, and what time will it take to transfer them ?

Shri J. K. Bhonsle : Those already transferred are Lajpat Nagar 1 and 2, Nizamuddin East and West, Jangpura, Extension, New Rajendranagar Blocks A to J, Old Rajendranagar and Aliganj. There are about fifteen other colonies, and as soon as the work is completed, they will be handed over.

Shri Radha Raman : May I know whether the transferred colonies carry with them financial obligations, and in what proportion the Rehabilitation Ministry going to share them ?

Shri J. K. Bhonsle : The amenities in these colinies are complete, and where necessary, we will certainly help them if we are convinced that it is the responsibility of the Ministry of Rehabilitation.

N.E.F.A.

*2012. **Shri D. C. Sharma** : Will the **Prime Minister** be pleased to state the nature of the cultural development schemes in the North East Frontier Agency ?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika) It is the policy of the Government that tribal culture should be encouraged to develop according to the genius of the people.

Tribal languages are respected and the tribal mother tongue is the medium of instruction in schools. Text books are under preparation which will be written in tribal dialects and will contain articles and descriptions of the geography of tribal areas, their history, folk lore and songs.

The celebration of tribal festivals is being officially encouraged and tribal songs, dances and games are included in the curriculum of the schools.

A N.E.F.A. museum is being setup to stimulate pride in tribal art and promote its development.

The Agency proposes to start a department of Research, whose function will be to study cultural, historical and sociological aspects of the tribes. A number of philologists will be associated with this Department. They will study the tribal languages, record the mythology and folk lore of the tribes and help in the production of tribal literature.

Shri D. C. Sharma : May I know how many text books have been prepared in the tribal languages and whether any board of editors has been appointed for that purpose ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : I cannot give that information without enquiry.

Shri D. C. Sharma : May I know how much money has been earmarked for the cultural development of N.E.F.A. in the First Five Year Plan ?

Shri Jawaharlal Nehru : I can find this out. I think these figures have been given in answer to questions only recently but for the moment I have not got them here.

Shri D. C. Sharma : May I know if any scheme in the Second Five Year Plan has been formulated with regard to the cultural development of this area ?

Shri Jawaharlal Nehru : Yes.

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि विभिन्न डाइलेक्ट्स के लिये क्या कोई कामन स्क्रिप्ट इस्तेमाल करने की कोशिश की जा रही है ।

श्री जवाहरलाल नेहरू : इस में पहले रोमन स्क्रिप्ट लिखी जाती थी क्योंकि इसी तरह से वह मिशनरी कालेजेज वगैरह में पढ़ाये गये थे । अब ज्यादातर हिस्से में हिन्दी है, लेकिन बाज हिस्सों में रोमन जारी है ।

Khadi Uniform

***2013. Shri Dabhi :** Will the Minister of **Works, Housnig and Supply** be pleased to state :

(a) whether it is a fact that Government have decided to provide Khadi uniforms to all Central Government Class IV employees ; and

(b) if so, when ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). Although no specific decision has been taken that khadi uniforms should be provided to all Central Government Class IV employees, some departments have been buying khadi in substitution for mill-made cloth for this purpose and others are being encouraged to do so.

Shri Dabhi : May I know whether in the future Government proposes to give khadi uniform to thse employees ?

Sardar Swaran Singh : I have already stated that efforts are being made to encourage the use of khadi and it is evident from the volume of purchases during the last few years. In 1953-54, Government purchases were of the value of Rs. 11,551; in 1954-55 they were of the value of Rs. 21,96,231; in 1955-56 upto the end of August, orders of the value of Rs. 36,75,624 have already been placed.

Shri Dabhi : I want to know whether any definite decision has been taken by the Government as, for example, been done in the Ministry of Communications or Railways which have taken a decision to supply khadi uniform to all class IV people.

Sardar Swaran Singh : Actually we are experiencing difficulty in procurement. The Khadi and Village Industries Board are doing their best but at the moment they could not actually supply all the requirements of khadi. Therefore, no decision could be taken.

Mr. Speaker : We go to the next question.

Cotton Textile

***2014. Shri K. P. Sinha :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that our cotton textile is facing great competition from U.K., Holland and Japan in the markets of Kenya, Uganda and Tanganyika ; and

(b) if so, the steps taken by Government to combat the competition ?

The Minister of Commerce [(Shri Karmarkar) : (a) Yes, Sir.

(b) A statement showing steps taken to promote export of Indian cotton textile to East African countries is laid on the Table of the House. [See Appeneix X, annexure No. 35.]

Shri K. P. Sinha : May I know the quantity of cotton textiles exported in 1954 and how that compares with the present figure ?

Shri Karmarkar : In 1954 we exported 5 96 million yards per month on an average. In 1955 the average for four months is 3·63 million yards.

Shri K. P. Sinha : May I know if any attempt is being made to export woolen goods to these countries ?

Shri Karmarkar: For woollen goods I should like to have notice.

Shri Bogawat : May I know if the Government is going to take any steps to remove the difficulties experienced in the course of competition ?

Shri Karmarkar : Competition, I am afraid, cannot be avoided. We have to withstand it.

Indians in Morocco

*2016. **Shri Gidwani** ; Will the **prime Minister** be pleased to state ;

(a) the number of Indians at present residing in Morocco;

(b) whether any of them have suffered in recent riots in that country; and

(c) whether any steps have been taken to safeguard their lives and properties ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) There are about 10 Indian merchants in French Morocco.

(b) So far no report of Indians having suffered in recent riots in French Morocco have been received.

(c) The Government of India will take appropriate measures, if necessity arises.

Shri B. S. Murthy: May I know whether there is any information as to the loss of property of these merchants in Morocco ?

Shri Sadath Ali Khan: I have said that we had received no report on any loss of property.

Shri Krishnacharya Joshi: What is the population of Indians in that part of the world ?

Shri Sadath Ali Khan: There are about 3,000 Indians in North Africa, Gibralter and nearby islands.

Irrigation and Power Projects

*2018. **Shri Bogawat**: Will the Minister of **Planning** be pleased to state:

(a) the order of preference so far as irrigation and power projects in the country are concerned;

(b) what preference is given to flood and famine affected and backward areas and to cheap schemes capable of producing quick results; and

(c) whether some more important schemes are likely to be dropped ?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The principles for relative priorities in Irrigation and Power Projects were laid down by the Planning Commission in their letter No. PC(V)1(3)(A)/54, dated May 19, 1954, a copy of relevant extracts is placed on the Table of the House [*See* Appendix X, annexure No. 36.]

(b) Flood affected areas are to be treated differently by flood protection schemee With a view to give relief to famine affected and backward areas, the Planning Commission initiated towards the latter half of 1953, a programme of permanent improvement in scarcity areas. Some of the schemes under this programme are expected to be completed within the First Plan period and yield quick results. The State Governments are being advanced loans for financing schemes falling under this head.

(c) Decisions have yet to be taken.

Shri Bogawat: May I know whether there is a continuous demand for protecting the scarcity area of Maharashtra since the last 8 years and whether very little attention is given to this very important problem affecting the scarcity area

Shri Hathi: For Bombay the Planning Commission has made a provision of Rs. 487 lakhs under the scarcity programmes. This year Rs. 250 lakhs have been earmarked for Bombay.

Shri Bogawat: May I know whether so far as the scarcity areas are concerned the sums allotted are very insignificant and whether large sums are quite necessary for protecting these big scarcity areas in the Bombay State ?

Shri Hathi: As the schemes come in they will be scrutinised and examied As at present, out of the Rs. 487 lakhs

Rs. 13 lakhs have been earmarked for 1953. Rs. 123 lakhs in 1954 and Rs. 250 lakhs in 1955-56. Still there is a balance.

Shri Bogawat: May I know if the Government is going to take mor[illegible] protect scarcity areas in the Second Plan and whether attempts would be made to that effect ?

Shri Hathi: Hon. Member may kindly refer to the letter which I referred to in the main reply. The programme for scarcity affected areas would receive due consideration.

Monozite Sand

*2020. **Shri B. S. Murthy:** Will the **Prime Minister** be pleased to state :

(a) the results of research in processing thorium as fissionable material from Monazite sand; and

(b) the expert advice, if any got from foreign scientists ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The factory at Alwaye set up by the Indian Rare Earths Limited treats the monzite to produce rare earth compounds and trisodium phosphate. The residue is treated at the Uranium/Thorium plant set up by the Government of India in the Department of Atomic Energy at Trombay to produce Thorium and Uranium compounds. The stage of producing pure thorium and uranium will be attained after further technological research.

(b) Thorium is a fertile material from which U 233 which is fissionable can be made. Thorium as such is not fissionable. We have at present undertaken Research and Experimental Reactors only. Breeder Reactors are required to make U 233 from Thorium and these Reactors have not yet been undertaken in India. The question of obtainin[illegible] foreign assistance in this matter, therefore, does not arise at present.

Shri Kamath: After the recent atomic conference at Geneva, has there been any relaxation in the secrecy adopted by various countries in this respect — in atomic research.

Shri Jawaharlal Nehru: Yes, Sir. A great deal of material that was previously considered secret was disclosed there. But of course a great deal still remains which is secret.

Second Five Year Plan

*2023. **Shri N. B. Chowdhury:** Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that the representatives of the West Bengal Govern[illegible] recently discussed the details of their Second Five Year Plan with the Planning Commission;

(b) whether the Plan submitted by the West Bengal Government has been approved; and

(c) if not, the alterations, that have been made ?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) to (c) The draft plan of the West Bengal Government was discussed with the Planning Commission and the Ministries on the 19th and the 20th September. In the light of the discussion the West Bengal Government will revise its draft plan.

Shri N. B. Choudhury: May I know whether reduction of the targets and the amounts in the Plan by the Planning Commission after widespread publicity about higher targets and higher amounts has created a sense of frustration in the minds of people ?

Shri S. N. Mishra: I could not get the import of that question.

The Minister of Planning and Irrigation and Power (Shri Nanda:) So far as the West Bengal Government's plan is concerned—which is the subject matter of the question—there is no such apprehension.

Shri N. B. Chowdhury: May I know whether one item of river valley projects—the Kosi project whi h was in their proposal has been accepted and whether Government have asked the concerned State Government to go ahead with the scheme from now ?

Shri Nanda: These are still in the stage of discussions and really nothing has crystallised in the sense that there is any finality about these things.

International Tea Agreement

*2025. **Shri Barman:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to starred Question No. 744 on the 16th August 1955 and state:

(a) the date when the old International Tea Agreement expired ; and

(b) in what respect the fresh Agreement will differ from the old one ?

The Minister of Commerce (Shri Karmarkar): (a) 31st March 1955.

(b) The renewal of the International Tea Agreement is still under negotiation.

Shri Barman: Which are the parties involved in this agreement ?

Shri Karmarkr: India, Ceylon, Indonesia and Pakistan at present.

Shri N. M. Lingam: May I know if the attitude of the other Governments is co-operative and if the Government is hopeful of coming to an agreement at all?

Shri Karmarkar: I think so. We are sanguine about the agreement.

WRITTEN ANSWERS TO QUESTIONS

Rural Electrification in Delhi

*1973. **Shri Radha Raman:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Union Government have received any Scheme of rural electrification from Delhi State:

(b) if so, its special features ; and

(c) whether it has received Government's approval?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) and (c). Do not arise.

International Atomic Conference

*1974. **Shri D. C. Sharma:** Will the **Prime Minister** be pleased to refer to the reply given to Unstarred Question No. 300 on the 16th March, 1955 and state:

(a) whether the Indian representative attended the International Atomic Conference at Geneva; and

(b) if so, whether he has submitted any report?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) An Indian delegation consisting of 5 representatives and 14 advisers led by Dr. H. J. Bhabha FRS, Secretary, Department of Atomic Energy attended the International Conference on the Peaceful Uses of Atomic Energy held at Geneva from 8th to 20th August 1955. Dr. Bhabha was also the President of the Conference.

(b) Dr. Bhabha has not yet returned to India. He will no doubt submit a report on the Conference in due course.

Subsidised Industrial Housing Scheme

*1976. **Shri Jhulan Sinha:** Will the Minister of **Works, Housing and Supply** be pleased to state the progress achieved under the Subsidised Industrial Housing Scheme as a result of the introduction of the hire-pruchase system and liberalisation of the methods of disbursement of loan to Co-operative Societies ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): There were 45 applications pending from the Co-operatives when the first liberalisation in the method of disbursing loans and also improvement in the hire purpose system were announced in February 1954. The method of disbursement of loan was further liberalised in November 1954. During these nine months 8 more applications were received and out of the total of 53 applications 18 were sanctioned. The number of applications has since November 1954 risen to 65 and of sanctions to 22.

Education in N.E.F.A.

*1978. **Shri Ibrahim:** Will the **Prime Minister** be pleased to lay a statement on the Table of the House showing.:

(a) the amount if any spent on the award of scholarships and stipends to the tribal students of the North East Frontier Agency for their studies in Middle and High Schools and Colleges during the years 1953-54 and 1954-55; and

(b) the amount proposed to be spent thereon for the current year?

The Parliamentary Secretary to the Minister of External Affairs (Shri Hazarika): (a) and (b). The following expenditure was incurred on awarding scholarships and stipends to the tribal students of the N.E.F. Agency for their studies in Middle and High Shools and Colleges during the years 1953-54 and 1954-55:

	1953-54 Rs.	1954-55 Rs.
(i) Middle Schools .	6,480	10,080
(ii) High Schools	1,800	2,100
(iii) Colleges .	3,960	2,160

The following amount is proposed to be spent on award of scholarships and stipends to the tribal students of the N.E.F.A. during the current year :

	Rs.
(i) Middle Schools . .	24,000
(ii) High Schools . .	9,000
(iii) Colleges . . .	1,920

Low-Income Group Housing Scheme

*1981. **Shri Biren Dutt:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of Central Government employees at Agartala, Tripura who have applied for loans under the Low-Income Group Housing Scheme in 1955 so far;

(b) the number of them who have been granted loans for the purchase of lands and construction of houses;

(c) whether Government propose to provide such facilities to Government employees stationed in other divisions of Tripura?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) to (c). Instead of giving them loans under the Low-Income Group Housing Scheme it is proposed that the Central Government servants be granted house building advances in much the same manner as was done prior to 1937. The rules for the grant of such advances are being finalised and are expected to be announced shortly.

Essential Oils

*1982. **Sardar Iqbal Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the kinds of essential oils which are extracted in India at present;

(b) the possibilities of developing this industry to meet the requirements of the country; and

(c) whether this industry has applied for protection?

The Minister of Industries (Shri Kanungo): (a) The following essential oils are at present extracted in India:

Lemongrass, Palm Rose, Sandal Wood, Ginger, Manjan, Orange, Bergamet, Lavender, Canange, Germanium, Ylang, Thyme, Clove, Colamas etc.

(b) India is self-sufficient in some of the essential oils *e.g.* Lemon grass, Palm Rose, Sandal Wood, Ginger grass and Eucalyptus. The production of others can be developed a good deal.

(c) No, Sir.

River Valley Projects

*1983 {**Shri L.N. Mishra**
Shri T. Subrahmanyam

Will the Minister of **Irrigation and Power** be pleased to state:

(a) the financial grant given so far to the States concerned for the Kosi, Koyna and Nandi Konda projects on yearly basis and the amount actually spent by each of them; and

(b) the terms on which the aid has been given?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No Central assistance has been given so far in the case of Nandikonda. For Kosi, the Government of Bihar, were given during 1954-55, a loan of Rs. 96 lakhs against which the actual expenditure came to Rs. 51·32 lakhs. As regards Koyna a loan of Rs. 1·1 crore was given to the Govt. of Bombay during 1954-55 and information regarding actual expenditure is still awaited from the State Government.

(b) Terms of the loans have not yet been decided.

Floods in Bihar

*1985. **Shri M. Islamuddin:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Kishanganj Subdivision in the District of Purnea (Bihar) has been severely affected by floods covering nearly 1,000 square miles and affecting about 5 lakhs of people;

(b) whether the help rendered by the Bihar Government is reported to be insufficient especially in the border areas;

(c) whether the Central Government have rendered any help to the affected people; and

(d) if so, the nature and extent thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (d). The requisite information is being collected and will be placed on the Table of the House as soon as possible.

Lemon Grass Oil

*1989. {**Shri V. P. Nayar:**
Shri Punnoose:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Lemon-Grass Research Station at Odakkali, Travancore-Cochin has evolved the red-stemmed Lemon grass oil of higher oil content;

(b) whether Government propose to give any assistance to the cultivators of Lemon grass to cultivate purely the red-stemmed variety; and

(c) if so, the nature of help?

The Minister of Industries (Shri Kanungo) : (a) to (c). The Lemon-Grass Research Station at Odakkali is engaged in the cultivation of red-stemmed Lemon-Grass with a view to supplying its seeds to cultivators. The Research Station also advises cultivators to weed out from their plantations white stemmed Lemon-Grass (which yields oil of an inferior quality) and to develop the red-stemmed variety instead.

Survey of Hydro-electric Resources

*1990. **Thakur Jugal Kishore Sinha:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether any further investigation has been made to assess the potentiality of India's Hydro-electric resources since the appointment of the Committee in 1918; and

(b) if so, the details thereof ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) and (b). No such Committee was appointed in 1918 but Mr. Mears was appointed as Chief Engineer, Hydro-Electric Survey, in 1919 to conduct a survey of the hydro-electric resources of the country. He estimated the minimum power potential of the territories which now comprise the Union of India, at 3·5 million K. W. and the maximum development at 8 million K.W. In 1953, a beginning was made by the C.W. & P.C. to assess the power potential of the country. The Commission have brought out three volumes on hydro-electric survey and copies thereof have been placed in the Library of the House.

Industries in Mysore

*1993. **Shri Dhusiya** : Will the Minister of **Production** be pleased to state:

(a) the names of the industries in Mysore which are now under the control of his Ministry;

(b) whether it is a fact that Government propose to hand over some of the State-owned industries to private enterprise; and

(c) if so, why and to whom?

The Minister of Production (Shri K. C. Reddy): (a) The Hindustan Machine Tools Ltd., Jalahalli, Bangalore.

(b) So far as the above industry is concerned, the answer is in the negative.

(c) Does not arise.

Joint Fact Finding Commission

*1999. **Shri M. S. Gurupadaswamy** : Will the **Prime Minister** be pleased to state the steps, if any, taken by the Joint Fact Finding Commission, (mentioned in the Instrument of Ratification of the Indo-Pakistan Agreement on Recovery of Abducted Persons) to assess from Caretakers the number of children born during abduction period and left back by the recovered mothers ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): The subject matter of the question does not fall within the terms of reference of the Fact Finding Commission, which, under the Indo-Pakistan agreement on recovery of abducted persons, are as under:—

(*i*) to assess the extent of outstanding work of recovery in the two countries; and

(*ii*) to advise the two Governments on measures to be adopted for speedy conclusion of recovery work in both the countries.

The number of post-abduction children left in India by their recovered mothers is 1322 while the total number of post abduction children born in India to such mothers was 1783.

Assigning of Names to Government Colonies

*2000. **Shri Tushar Chatterjea** : Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) whether the attention of Government has been drawn to the fact that the names of ' Shan Nagar', 'Man Nagar', Vinay Nagar', 'Sewa Nagar', given to diff rent colonies of the Central Government employees have evoked resentment among the public; and

(b) if so, whether Government propose to change those names ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) No, Sir. In fact the names have become popular.

(b) Does not arise.

Claims of Displaced Persons

*2001. **Shri R. N. Singh** : Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that discontentment prevails among displaced persons on account of their claims no

being decided in their presence and also not getting information about such decisions and thus being deprived of the privilege of revision; and

(b) whether any steps have been taken to remove the discontentment, and if so, what ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) No. Under the Claims Act and the Rules claims were to be decided after giving an opportunity to the persons concerned to be heard and such opportunity was given. Some claims were decided *ex-parte* because the persons concerned failed to put in appearance. Intimation of such decisions was sent to the party concerned.

(b) Does not arise.

Indian Films (Export)

*2002. **Shri H. N. Mukerjee** : Will the Minister of **Information and Broadcasting** be pleased to lay on the Table of the House a statement showing:

(a) the names of the foreign countries which have imported Indian films for commercial release during the period from 1952 to 1955;

(b) whether any Indian film has so far been imported for commercial release by the United States of America;

(c) the number of Indian films imported by foreign countries during the said period; and

(d) whether Government have any scheme for stepping up export of Indian films abroad ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). As no permission is required to export films, it will not be possible to obtain information under these heads.

(d) The Film Enquiry Committee had considered the matter and recommended that the industry might set up an Export Corporation to encourage the distribution of Indian films abroad. In the statement laid on the Table of the House on 19-5-54, it has already been indicated that if such a Corporation is set up Government will give all possible facilities.

Import of Conch Shells

*2009. **Shri K. K. Das** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the date from which the ban on the import of Conch Shells has been imposed; and

(b) the average annual value of Conch Shells imported immediately before the ban was imposed ?

The Minister of Commerce (Shri Karmarkar): (a) The ban on the import of Conch Shells has been imposed since September, 1952.

(b) Statistics of actual imports of Conch Shells are not available. A statement showing the value of Conch Shells licensed in the three licensing periods immediatey preceding the ban is, however, laid on the Table of the House. [*See* Appendix X, annexure No. 37].

Distribution of Press Photographs

*2015. **Shri Ibrahim** : Will the Minister of **Information and Broadcasting** be pleased to state whether it is fact that the Press Information Bureau besides distributing photographs abroad, distributes pictures free of charge to Press and various news agencies and certain individuals ?

The Minister of Information and Broadcasting (Dr Keskar): Photographs on Government activities are distributed by the Press Information Bureau free to newspapers and photo news agencies in India while for publicity overseas, photographs are supplied to Indian Missions through the External Publicity Division of the Ministry of External Affairs. Photographs are not distributed free to individuals.

State Trading

*2017. **Shri L. N. Mishra** : Will the Minister of **Planning** be pleased to state:

(a) whether for the Second Five Year Plan the question of State Trading in certain articles has been discussed; and

(b) if so, the present position in this regard ?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The question of State Trading in selected commodities in the context of the Second Five Year Plan has been discussed from time to time, but no final decision in the matter has yet been reached.

Import Policy

*2019. **Shri V. P. Nayar** : Will the Minister of **Commerce and Industry** be pleased to state whether Government are aware that the import policy in recent years has resulted in serious complaints of corruption and nepotism ?

The Minister of Industries (Shri Karmarkar): The Government are aware that the import policy pursued in recent years has helped to eliminate to the maximum extent the evils mentioned.

Cotton Textiles Fund Committee

***2021. Thakur Jugal Kishore Sinha:** Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table of the House showing the work done by the Cotton Textiles Fund Committee in 1954-55?

The Minister of Industries (Shri Kanungo): A statement is placed on the Table of the House. [*See* Appendix X, annexure No. 38].

Synthetic Oil Plant

***2022. Shri T.B. Vittal Rao :** Will the Minister of **Production** be pleased to refer to the replies given to the Starred Question No. 649 on the 10th August, 1955 and Unstarred Question No. 834 on the 8th September, 1955 and state:

(a) the number of members on the Committee of Experts appointed to advise the firms entrusted with the preparation of project reports for the setting up of a Synthetic Oil Plant; and

(b) whether the representatives of these firms are expected to visit the possible sites before submitting their project reports?

The Minister of Production (Shri K. C. Reddy): (a) Seven, including the Chairman.

(b) In accordance with their "Terms of Reference", the three consultants are required, *inter alia*, to recommend a site or sites most suitable for the location of the plant having regard to the sources of raw materials with a view to ensure utmost economy in the cost of production. It is therefore possible that they may visit the sites proposed by them before submitting their reports.

कपास में वायदा बाजार (फारवर्ड मार्केट)

***२०२६. श्री अमर सिंह डामर :** क्या **वाणिज्य और उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि फारवर्ड मार्केट कमीशन ने इन्दौर में कपास की फारवर्ड मार्केट की स्थापना की सिफारिश की है; और

(ख) यदि हां, तो यह सिफारिश कब तक कार्यान्वित की जायेगी ?

वाणिज्य मंत्री (श्री करमरकर): (क) फारवर्ड मार्केट कमीशन ने रिपोर्ट दी कि मध्य भारत तथा भोपाल राज्यों के क्षेत्र में कपास का फारवर्ड मार्केट स्थापित करना उचित है। उस ने यह बात भी कही है कि फारवर्ड मार्केट को उज्जैन में स्थापित करना जितना ठीक रहेगा, उतना ही ठीक उसे इंदौर में स्थापित करना रहेगा। और दोनों स्थानों के लाभ लगभग बराबर से ही हैं।

(ख) यह प्रश्न विचाराधीन है।

Indians in Ceylon

***2027. Shri Radha Raman :**
Shri Subodh Hasda :
Shri Krishnacharya Joshi :
Shri Veeraswamy :
Shri S. N. Das :
Dr. Ram Subhag Singh :

Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 836 on the 12th March, 1955 and state :

(a) whether it is a fact that the Ceylon Government have since ordered the immediate repatriation of all persons of Indian origin whose temporary residential permits have expired; and

(b) if so, the number of the persons who fall in this category?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) The Ceylon Government decided to repatriate, in batches of 5,000 every three months, all those Indians whose temporary residence permits expired and were not renewed by them.

(b) The number of persons who fall in this category is at present estimated to be 25,000.

Tractors

***2028. Shri K. P. Sinha :** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the progress made so far by the Punjab State in its plan of manufacturing cheap tractors;

(b) whether the proposal is for manufacturing small or big tractors; and

(c) how its costs would compare with those of the foreign tractors?

The Minister of Industries (Shri Kanungo): (a) The hon. Member is presumably referring to the Punjab Government's plan to manufacture tractors at the Government Central Workshop, Amritsar. If so, Government of India have not received the final views of the Punjab Government in the matter.

(b) The tractors planned to be manufactured are of the one cylinder, 4 stroke, engine type with a Horse Power of 22 at 1,500 revolutions per minute, and can, therefore, be classed as small tractors.

(c) Precise information is not available.

Hindustan Shipyard Limited

***2029. Shri L. N. Mishra**: Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that the French firm with which the Government entered into a contract to effect improvements in the Hindustan Shipyard Ltd., has failed to abide by the terms of the contract and the shipyard has suffered as a result thereof;

(b) if so, the main points of contract which have not been carried out and the loss accrued to Government on this account; and

(c) the steps Government propose to take in the matter?

The Deputy Minister of Production (Shri Satish Chandra): (a) to (c). It cannot be said that the French Technical Consultants of the Hindustan Shipyard have failed to abide by any of the terms of the contract. However, Government are of the view that technical assistance provided by the French firm until recently was not entirely satisfactory; particularly the Technical Officers deputed to the Shipyard, who had made their own estimate of the rate of output and delivery dates possible, were unable to assist and organise effectively so that the deliveries indicated could be fulfilled. It is not possible to estimate exactly what the Shipyard could have achieved with better technical advice. No estimate is possible therefore of the loss sustained by the Shipyard because of the output not keeping to the schedule indicated. The two top French technicians who were in charge so far have been replaced and the number of French technicians in the Shipyard has been increased. The Shipyard is also in a correspondence with the French Consultants regarding further steps to be taken in this connection.

Slum Clearance

***2030. Thakur Jugal Kishore Sinha**: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the action taken by Government on the recommendation of the Conference of Ministers for Housing held in June, 1955 regarding the grant of subsidies to the various States for the clearance of slums etc.; and

(b) which of the States have been given subsidies so far?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The recommendations of the Housing Ministers' Conference on this subject are receiving the consideration of the Government.

(b) Does not arise.

Iron and Steel Prices

***2031. Shri N. B. Chowdhury**: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1595 on the 8th September, 1955 and state the basis on which the maximum base prices for Iron and Steel now charged by Registered Producers, Controlled Stockholders and others are determined?

The Minister of Industries (Shri Kanungo). Registered Producers' sale prices are fixed on the basis of (*i*) Retention Prices payable to the Main Producers fixed on the basis of Tariff Commission's recommendations and (*ii*) a surcharge which accrues to the Iron and Steel Equalisation Fund. The prices chargeable by the Controlled Stockholders and the Registered Stockholders are higher by Rs. 30 and Rs. 45, respectively, per ton over the Registered Producers' sale prices and represent their respective remuneration.

Tea Production

***2032. Shri Barman**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the production of tea is to be increased during the Second Five Year Plan;

(b) whether acreage restrictions of tea gardens are to be modified for the purpose; and

(c) whether the East African plantations have joined in the matter of restrictions of acreage of tea gardens along with the other participants in the International Tea Agreement?

The Minister of Commerce (Shri Karmarkar) (a) No specific programme for increasing the production of tea has yet been drawn up for inclusion in the Second Five Year Plan.

(*b*) The draft International Tea Agreement as it stands at present, does not lay down any acreage limits in respect of extension of tea cultivation in the participating countries. The Tea Board has decided to liberalise the maximum percentages of permissible acreage up to which permission for extension of tea areas are to be granted to Tea Estates.

(*c*) No, Sir.

पशुओं का निर्यात

१०४६. **श्री रघुनाथ सिंह** : क्या वाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) मार्च, १९५४ से अगस्त, १९५५ तक कितने बन्दर, पक्षी और अन्य जीवित पशु विदेशों को भेजे गये; और

(ख) इस निर्यात से भारत को कितनी आय हुई ?

वाणिज्य और उद्योग तथा लोहा और इस्पात मंत्री (श्री टी० टी० कृष्णमाचारी): (क) और (ख) एक विवरण संलग्न है । (देखिये परिशिष्ट १०, अनुबन्ध संख्या ३९)

Report of the Textile Enquiry Committee

1047. **Shri V. B. Gandhi** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the date of the publication of the Report of the Textile Enquiry Committee (Kanungo Committee) giving separately the date of publication of the main part of the Report and the date of publication of Appendices, if any;

(b) the number of copies of the Report printed and the number of copies sold so far;

(c) the stock at present with Government;

(d) the number of orders still pending for supply, if any; and

(e) the steps proposed to be taken by Government to meet all the outstanding demands ?

The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari) ( ) The dates of publication of the three volumes of the Report of the Textile Enquiry Committee are as follows:—

(*i*) Volume I of the Report—21-10-1954.

(*ii*) Volume II " " 22-6-1955.

(*iii*) Volume III " " 15-7-1955.

(b) 3500 copies of Volume I and 3000 copies each of Volume II and Volume III of the Report have been printed. No copies have been sold so far.

(c) 1500 copies each of Volume I, Volume II and Volume III of the Report are lying with the Government of India Press for the purpose of sale. 971 copies of Volume I, 644 copies of Volume II and 416 copies of Volume III are available in this Ministry.

(d) 56 orders for the supply of 639 copies.

(e) The Manager of Publications has been authorised to sell copies of the Report lying with the Government of India Press.

Movement of Ores

1048. **Shri Deogam** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that a circular has been issued recently by the Deputy Chief Controller of Exports, Madras, laying down the procedure for obtaining Registration Slips and Quota Slips for placing indents for wagons for movement of ores to the various South Indian Ports;

(b) whether there is any objection to accepting contracts issued by local representatives of foreign buyers as valid; and

(c) if so, the reasons therefor ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Yes, Sir.

(b) and (c). The system of registration slips was devised to prevent cornering of wagons by exporters in different names. Local representatives of some firms were reported to be parcelling out contracts amongst several persons in order to enable such persons to apply for registration slips only for moving additional quantities of their principals ores to the ports,

export ultimately being made by the firm with whom the bulk contract was made. If this is permitted, the system of regulating scarce wagon space through registration slips would become unworkable.

Ores

1049. Shri Deogam : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that in a recent circular letter issued by the Deputy Chief Controller of Exports, Madras, there was nothing which required the applicant to disclose his source of supply at the loading stations or to produce his contracts of purchase of ores;

(b) whether it is a fact that this evidence is now required from the applicants; and

(c) if so, the reasons therefor ?

The Minister of Commerce and Industry and Iron and Steel (Sri T. T. Krishnamachari): (a) Yes, Sir.

(b) Yes, Sir.

(c) Government consider that an exporter requires faciliti s for movement of ores only from the point where such ore has been purchased by him, or is being negotiated for purchase, to the port of shipment.

Movement of Ores

1050. Shri Deogam: Will the Minister of **Commerce and Industry** be pleased to state :

(a) the number of applications received for the issue of Registration Slips for movement of ores by the Controllers of Exports, Madras and Bombay during the years 1953, 1954 and 1955 so far separately; and

(b) how many of these applicants have attached contracts of Metalimex of Praha or of their representatives in India ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a)

	1953	1954	1955
Madras .	..	349	1934
Bombay .	..	..	420

(Registration was started in Madras only in 1954 and in Bombay in 1955)

(b)

Madras .	1955	114
Bombay .	1955	34

Movement of Ores

1051. Shri Deogam : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that in the circular letter issued recently by the Deputy Chief Controller of Exports, Madras, there was no provision to require from the Established Shippers to produce documentary evidence of their having moved ores from the different sections of Railways ;

(b) whether it is a fact that the above evidence has been asked for individually later on, and applications have been rejected or Registration Slips have not been issued on such grounds; and

(c) whether Government rea'ise the difficulty of the tr ders who are out of Madras, in replying to the queries which take a lot of time in individual correspondence and cause delay in obtaining slips, whereas local parties take advantage by attending the office and getting slips earlier ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Yes, Sir.

(b) No applications have been rejected straightaway. Even where deficiencies were noticed, applicants have been given time to make good those deficiencies.

(c) Government are not aware of any serious difficulty in the matter.

Relief to Displaced Persons

1052. Shri D. C. Sharma : Will the Minister of **Rehabilitation** be pleased to state:

(a) the total amount of relief given so far to displaced persons from East Pakistan for the maintenance of destitute women and children, payment of cash doles in Homes and Infirmaries, medical treatment and for imparting training to able-bodied women; and

(b) the names of the States where the relief has been paid and the extent to which it has been paid ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). The time and labour involved in the collection of this information will not be commensurate with the result to be achieved.

Khadi Institutions

1053. Shri D. C. Sharma : Will the Minister of **Production** be pleased to lay a statement on the Table of the House showing:

(a) the names of the certified institutions in Punjab which deal in Khadi; and

(b) the amounts of subsidy paid to them during the years 1953 and 1954?

The Minister of Production (Shri K. C. Reddy): (a) and (b). A statement is laid on the Table of the Sabha. [*See* Appendix X, annexure No. 40.]

Atomic Energy

1054. Shri Krishnacharya Joshi: Will the **Prime Minister** be pleased to state:

(a) the main suggestions forwarded by India to the U.N.O. regarding the peaceful uses of Atomic Energy; and

(b) whether these have been accepted?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) Government of India have accepted the view that atomic energy should be utilised for peaceful and constructive purposes and that nuclear (including theremo nuclear), chemical and biological (bacterial) knowledge and power should not be used to forge weapons of mass destruction. The prohibition of such weapons, by common consent, and immediately by agreement amongst those concerned, has been advocated. India has been pressing for this view point both in the U.N. as well as outside.

(b) The U.N. General Assembly (*vide* a resolution adopted on 4-12-1954) recognised the importance and urgency of international co-operations in developing and expanding the peaceful uses of atomic energy to assist in lifting the burdens of hunger, poverty and disease and decided that:—

(i) the negotiations for the establishment as quickly as possible of an International Atomic Energy Agency to facilitate the use by the entire world of atomic energy for peaceful purposes, and to encourage international co-operation in the further development and practical application of atomic energy for the benefit of mankind should be continued; and

(ii) an international technical conference of Governments should be held to explore means of developing the peaceful uses of atomic energy through international co-operation and, in particular to study the development of atomic power and to consider other technical areas in which international co-operation might most effectively be accomplished.

An International Conference on the Peaceful Uses of Atomic Energy was accordingly held in Geneva from the 8th to the 20th August, 1955, under the auspices of the U.N.

Small Scale Industry

1055. Shri Bibhuti Mishra : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the amount of assistance given to the following small scale industries, State-wise:—

(i) Carpentry,
(ii) Black smithy,
(iii) Pottery, and
(iv) Leather.

in 1954 and 1955 (upto the 30th June); and

(b) the progress made by these industries, so far ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) and (b). A statement is attached. [*See* Appendix X, annexure No. 41].

Glass Bangles

1056. Shri Ibrahim : Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total output of glass bangles industry in the country during 1954-55;

(b) whether the indigenous industry meets the total requirements of the country;

(c) if not, the value of glass bangles imported during 1954-55 and the names of the countries from which these were imported; and

(d) whether this industry enjoys any protection?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Precise information is not possible. Roughly in the region of about 16,000 tons.

(b) Yes, Sir. It is expected to.

(c) Nil. The import of bangles is banned.

(d) No, Sir.

Bottles

1057. Shri Ibrahim: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number (in grosses) of soda water bottles, milk bottles and bottles used by the distilleries, consumed separately during the year 1954; and

(b) the productive capacity in grosses of each kind of such bottles in the country during the same period ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) Precise information is not available.

(a) Precise information for each of the bottles is not available, as the same plant can produce more than one kind of bottles. The total annual productive capacity for all the three types of bottles together in 1954 was 324,600 gross bottles.

Subsidised Industrial Housing Scheme

1058. Shri Bhagwat Jha Azad: Will the Minister of **Works, Housing and Supply** be pleased to state the total amount granted in 1955 so far as loans and subsidies to the State Governments, employers and co-operative societies for the construction of tenements under the subsidised Industrial Housing Scheme ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): A statement giving the requisite information is placed on the Table of the Lok Sabha. [*See* Appendix X, Annexure No. 42.]

N.E.S. Blocks

1059. Shri H. G. Vaishnav: Shri Janardhan Reddy: Shri Jangde:

Will the Minister of **Planning** be pleased to state the number of National Extension Service Blocks allotted to each State recently, where the work is to be taken up on the 2nd October, 1955 ?

The Deputy Minister of Planning (Shri S. N. Mishra): A statement giving the requisite information is laid on the Table of the House. [*See* Appendix X, annexure No. 43.]

Handloom Industry

1060. Shri Sinhasan Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of handlooms that were actually working and producing cloth in the years 1948, 1953 and 1954 in the States of Madras, Bihar and Uttar Pradesh and the total quantity of cloth produced by them;

(b) the number of additional looms permitted to be added by the textile mills after 1954, with the names of the mills so permitted ?

(c) whether Government have taken any decision for reserving certain counts of yarns to be exclusively used by handlooms; and

(d) if so, the details thereof ?

The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari): (a) No precise information is available.

(b) (1) Tangail Textiles Ltd., Calcutta: 101 looms.

(2) Swadeshi Cotton Mills, Kanpur. 48 automatic looms.

(3) Maharaj Sri Umaid Mills Ltd., Pali Marwar : 8 Blanket looms.

(4) Model Mills, Nagpur: 40 Blanket looms

(c) and (d) No such proposal is under consideration of Government of India.

Indians in China

1061. Sardar Iqbal Singh: Will the **Prime Minister** be pleased to state:

(a) the total number of Indian citizens in China ;

(b) the total number of Indian citizens who have left China since 1949;

(c) the total amount deposited by them with the Governments of China and India on their repatriation; and

(d) the total amount returned to them since then ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The total number of Indian citizens in China is 321, which includes the members of the Indian Embassy at Peking and the Indian Consulate-General at Shanghai and their families (numbering 83).

(b) No information is available.

(c) and (d). The question of deposits does not arise in the case of repatriation. On the other hand, Government have to spend money on such repatriates.

All India Radio

1062. Sardar Iqbal Singh: Will the Minister of **Information and Broadcasting** be pleased to refer to the reply

given to Starred Question No. 637 on the 8th September, 1954 and state:

(a) whether the supplementary lists of religious anniversaries to be celebrated by the All India Radio have since been prepared; and

(b) if so, whether copies thereof will be placed on the Table of the House ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The list is being finalised and will be placed on the Table of the House in due course.

पांडिचेरी

१०६३. **श्री के० सी० सोधिया:** क्या प्रधान मंत्री १० अगस्त, १९५५ को दिये गये तारांकित प्रश्न संख्या ६२२ पर पूछे गय अनुपूरक प्रश्न के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पांडिचेरी के इस वर्ष के बजट में १ लाख ९२ हजार रुपये बेकार मजदूरों में बांटने के लिये अलग रखे गये हैं;

(ख) यदि हां, तो ऐसे मजदूरों की संख्या क्या है; और

(ग) क्या सरकार भारत के अन्य राज्यों के भी बेकार मजदूरों को वैसी ही सहायता देने का विचार कर रही है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) जी हां, यह रकम, बाहर से आने वाली रूई और कोयले पर टैक्स लगा कर इस्तेमाल की जा सकती थी। चूंकि वास्तविक तबादले के बाद ऐसा कोई टैक्स नहीं लिया जा रहा है, इसलिये इस रकम में से अब तक कोई अदायगी नहीं की गयी है।

(ख) लगभग २९०० ।

(ग) जी नहीं।

पूर्वोत्तर सीमान्त एजेन्सी (नार्थ ईस्ट फ्रंटियर एजेंसी)

१०६४. **श्री के० सी० सोधिया :** क्या प्रधान मंत्री २२ अप्रैल, १९५५ को पूछे गये तारांकित प्रश्न संख्या २५०५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) पूर्वोत्तर सीमान्त एजेन्सी (नार्थ ईस्ट फ्रंटियर एजेंसी) में इस समय कितनी सामुदायिक विकास परियोजनायें हैं; और

(ख) पिछले साल की तुलना में इस साल इन परियोजनाओं की संख्या में कितनी वृद्धि हुई ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) :(क) और (ख). पूर्वोत्तर सीमान्त एजन्सी में, पासीघाट में केवल एक सामुदायिक विकास योजना केन्द्र है। इस साल कोई नयी योजना शुरू नहीं की गई है।

इसके अतिरिक्त तिरप फ्रंटियर डिवीजन के नामसंग नामक स्थान में एक राष्ट्रीय विकास योजना ब्लाक (नेशनल एक्सटेन्शन सर्विस ब्लाक) है।

सुबनसिरी फ्रंटियर डिवीजन के जीरो-दोइमुख क्षेत्र के लिये दूसरे राष्ट्रीय विकास योजना ब्लाक की मंजरी दे दी गई है।

Ministry of Information and Broadcasting

1065. Dr. Satyawadi: Will the Minister of **Information and Broadcasting** be pleased to state :

(a) whether it is a fact that an officer on Special Duty was appointed to assist his Ministry for the disposal of the back-log of audit-objections ;

(b) if so, the date of his appointment; and

(c) the volume of work done so far and the work in hand ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No, Sir. A Deputy Accountant General from the Audit Department was, however, appointed as Officer on Special Duty in the Ministry of Information and Broadcasting to examine mainly the accounting system and especially commercial accounting in the media units of the Ministry and to suggest procedures with a view to ensure uniform methods.

(b) and (c). Do not arise.

The Officer mentioned in (a) above has, however, practically completed his work in respect of the All India Radio and Films Division and is now engaged in similar work in respect of the Advertising Consultant's Office and the Publications Division.

All India Radio

1066. Dr. Rama Rao: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of Producers employed in the A.I.R.;

(b) the number of them drawn from regular service *i.e.*, from the programme staff;

(c) the conditions of service prescribed for them; and

(d) whether they are allowed private employment like editors of a newspaper or magazine ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) 36 so far.

(b) 20 from Programme Production staff including 7 from regular service.

(c) The same as those for staff artists.

(d) Permission can be given on the merits of each case and without prejudice to regular duties.

Nuclear Science

1067. Thakur Jugal Kishore Sinha: Will the **Prime Minister** be pleased to state the amount of grants that have been sanctioned and given to Universities and Research Institutes for research in nuclear science during the year 1955-56?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): A statement showing the grants sanctioned during 1955-56 and payment made upto 10th September 1955 to various universities and research institutions for research in nuclear science is laid on the Table of the House. [*See* Appendix X, annexure No. 44.]

Pilgrim Traffic

1068. Thakur Jugal Kishore Sinha: Will the **Prime Minister** be pleased to state the extent of increase in the pilgrim traffic across India's border after the Sino-Indian Agreements?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The pilgrim traffic from India to Kailash and Mansarovar has shown an upward trend during the last year. This is mainly due to greater stability and security resulting from the Sino-Indian Agreement which guarantees protection of person and property of pilgrims.

Movements of Ores

1069. Shri Deogam: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the mine-owners of Bellary-Hospet areas were and are given quota on their past production basis for the movement of Iron and Manganese ore to the port of Madras:

(b) whether it is a fact that the mine owners of Dronachalam Secundrabad section of the Central Railway have not been granted mine-owner's quota on their "past production basis" for the movement of Iron or Manganese ore to the port of Madras; and

(c) whether under the new system the mine-owners of Secundrabad/Dronachalam section will be allowed to get equal number of wagons for the movement of ores irrespective of their present production ?

The Minister of Commerce and Industry and Iron and Steel (Shri T.T. Krishnamachari): (a) Yes, Sir.

(b) and (c). Movement over this sector is regulated by registration slips. Allotment of wagon space is made prorata on the basis of indents placed with the Railways.

N.E.F.A.

1070. Shri K. P. Tripathi: Will the **Prime Minister** be pleased to state :

(a) whether any villages were burnt recently in Tuensang Division of N.E.F.A.;

(b) if so, how many;

(c) the number of villagers rendered homeless; and

(d) the steps taken to rehabilitate them?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). No deliberate burning

of villages by our forces has taken place. There are strict instructions against such action by our officers. But there exists the risk of the houses catching fire when hostiles entrench themselves in defensive positions inside the villages. There were seven such occasions when houses were set alight and the fire spread to the neighbouring houses. In such situations it is difficult to say whether the fire was the result of sniping by the hostiles or our forces.

Five loyal villages were burnt down by the hostiles themselves.

(c) and (d). Relief action was taken after every such case of destruction, regardless of the fact whether the village has been hostile. Such relief action consists in air-dropping of essential articles like rice and blankets. Naga houses are built very quickly by the villagers themselves with local material and the question of homelessness does not arise.

किंग्जवे कैम्प

१०७१. **श्री मोतीलाल मालवीय** : क्या **पुनर्वास** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि किंग्जवे कैम्प में माल रोड पर रहने के क्वार्टरों को दुकानों में परिवर्तित कर दिया गया था, और उन क्वार्टरों के रहने वालों को दूसरी जगह मकान दे दिये गये थे; और

(ख) क्या इन दुकानों को अब भी निवास के क्वार्टर माना जाता है ?

पुनर्वास उपमंत्री (श्री जे० के० भौंसले) : (क) जी हां ।

(ख) जी नहीं । इन्हें दुकान और रहने के मकान माना गया है ।

21st September, 1955
(Wednesday)

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA SECRETARIA
NEW DELHI

SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

LOK SABHA

Wednesday, 21st September, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

BUSINESS ADVISORY COMMITTEE

TWENTY-SIXTH REPORT

Shri M. A. Ayyangar (Tirupati): I beg to present the Twenty-sixth Report of the Business Advisory Committee.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-EIGHTH REPORT

Shri M. A. Ayyangar (Tirupati): I beg to present the Thirty-eighth Report of the Committee on Private Members' Bills and Resolutions.

ESTIMATES COMMITTEE

FOURTEENTH REPORT

श्री बी० बी० मेहता (गोहिलवाड): मैं उत्पादन मंत्रालय पर एस्टिमेट्स कमेटी की चौदहवीं रिपोर्ट पेश करता हूं।

ALL-INDIA INSTITUTE OF MEDICAL SCIENCES BILL

The Minister of Health (Rajkumari Amrit Kaur): I beg to move for leave to introduce a Bill to provide for the establishment of an All-India Institute of Medical Sciences.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of an All-India Institute of Medical Sciences."

The motion was adopted.

Rajkumari Amrit Kaur: I introduce the Bill.

INDUSTRIAL DISPUTES (AMENDMENT AND MISCELLANEOUS PROVISIONS) BILL

The Minister of Labour (Shri **Khandubhai Desai**): I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946 and to repeal the Industrial Disputes (Appellate Tribunal) Act, 1950.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1956 and to repeal the Industrial Disputes (Appellate Tribunal) Act, 1950."

The motion was adopted.

Shri Khandubhai Desai: I introduce the Bill.

INDUSTRIAL DISPUTES (BANKING COMPANIES) DECISION BILL

The Minister of Labour (Shri Khandubhai Desai): I beg to move for leave to introduce a Bill to provide for the modification of the decision of the Labour Appellate Tribunal, dated the 28th day of April, 1954, in accordance with the recommendations of the Bank Award Commission and for giving effect to the award accordingly.

Mr. Speaker: The question is:

> "That leave be granted to introduce a Bill to provide for the modification of the decision of the Labour Appellate Tribunal, dated the 28th day of April, 1954, in accordance with the recommendations of the Bank Award Commission and for giving effect to the award accordingly."

The motion was adopted.

Shri Khandubhai Desai: I introduce the Bill.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL AND REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL. *Contd.*

Mr. Speaker: The House will now resume further discussion on motions for reference of the Representation of the People (Amendment) Bill and the Representation of the People (Second Amendment) Bill, 1955 to Select Committees and also the consideration of the amendments moved by Shri N. C. Chatterjee thereto.

Out of 16 hours allotted for the discussion, 2 hours and 25 minutes was availed of yesterday.

So, we will now proceed with the discussion. I find no hon. Member is rising to speak. If none wants to speak I will put the motions to the vote of the House.

Some Hon. Members *rose*—

Mr. Speaker: I am calling Shri Bhagwat Jha Azad.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): We welcome these two Bills that have been placed before this House for consideration for more than one reason. In the light of the experience that we have gained in the last general elections there are certain things which have been simplified and which, as a matter of fact, ought to have been done earlier. I need not go into the simplifications which have been introduced in these two Bills one by one, but I would rather like to stress on three or four main items on which I feel there is still scope for amplification and simplification.

It has been very rightly stressed in these Bills that the time taken for elections should be compressed because we saw in the last general elections that the total time taken in the elections in different States and for the Parliament was more than 3 months. It is therefore essential that in the light of the experience that we have gained, this time should be compressed. It is desirable, even at the cost of dissolution of some legislatures rather prematurely, we should hold election in lesser time. Moreover, these 42 days that are taken between the publication of the notification calling for an election to be held and the actual election should also, I think, be reduced and it should be 21 days and nothing more.

Regarding clauses relating to nomination papers, appointment of agents, reduction in the number of members of tribunals and administrative difficulty that led the Government to give power to the Assistant Returning Officer, they are not to be amplified but I would like to stress on the provision relating to the regulation of nomination papers and the return of expenditure.

Then 'office of profit' has not been defined in these Bills. Sir, it is but natural that a Returning Officer has to take note of the qualification that a candidate who stands for election

should have but so far disqualifications are concerned it is rightly stressed that this should be left to the court to decide later on. In the United Kingdom these disqualifications are brought to notice only when a petition is given in the High Court and when it is pressed. Therefore, it is but natural that in our country also when a candidate wants to stand for election these things should not be taken note of at the time of filing of nomination papers. In the United Kingdom it is left to the voter to reject those candidates who are disqualified. Let them have the choice and let them take also the risk that if they vote for candidates who may be disqualified it will not be the first or the second candidate who may be declared elected but rather the third candidate may be declared elected by the court which is called upon to decide on an election petition.

With regard to the return of expenditure which a candidate has to submit, from 12 to 13 items under which he was required to keep records of expenditure it has been simplified and a candidate is required to keep record of election expenses according to necessity. I feel that there is still scope for simplification in the submission of election expenditure returns. It is said that rules should be made to prescribe the highest limit or the highest sum that a candidate can spend. I think it is better that there should be no different scales and the limit of expenditure should be the same throughout India. It is, therefore, desirable that this should be in the Act itself rather than leaving it under the rule making powers of the Government.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

It has not been clearly mentioned in the Bill as to from what time the election expenses will be counted; whether it will be from the date the participating candidate will start propaganda or before filing of nomination papers. It should be clearly laid down in the Bill that the election expenses will be counted from the date of filing of nomination papers to the date when the candidate is declared elected by the Returning Officer. This date should be clearly mentioned in section 33 of the old Act which is referred to in clause 14 of the present Bill.

Then, there are candidates who are fortunate enough to have their big purses. If such candidates contribute to their party funds to which they belong, that should not be counted in the election expenses and a particular candidate, whether it be A, B or C, who do not want any money from the party and who is in a position with a big purse to contribute to the party should have the privilege to contribute to the party without that amount being taken into account while calculating his own personal expenses on election. Therefore, I would say that this liberty should be given to the candidate to contribute to the parties.

On certain occasions, the leaders of the various parties who go out for the support of the candidate in the different constituencies have to incur large amounts of expenses. I propose that expenses that are incurred in connection with the tour or the propaganda by party leaders in support of the candidates should not form part of the election expenses of the candidate concerned.

Then, there are expenses incurred by the third party, that is, the candidate's polling agent or canvasser or his proposers or seconders who go out in connection with the propaganda are entertained by the third party by which I mean the villagers, or the voters or the electorate. In the United Kingdom, what amount has been spent on the entertainment of the candidate and his other friends who go out in connection with the election propaganda to the various parts of the

[Shri Bhagwat Jha Azad]

constituencies can be very easily assessed. But in India, it is neither desirable nor good that the sum spent by the host who entertains the candidates or their associates should be assessed and then be included in the election expenses of the candidate. It is not provided in the Bill that such expenses will not be included, because it is but natural that when candidates go for propaganda round about the constituencies, every now and then, they will be paid compliments in the form of entertainments and thereby indicating that they will be voting for them. That will be a huge expenditure that is incurred by the host, the third party. Therefore this expenditure should not be included in the election expenses of the candidate. It is not mentioned in the Bill that such expenses will not be included in the returns, and therefore, it may be possible that such expenses which are incurred by the third party, the host, may be included. The election expenses should not subject the candidates to corrupt practices in any way. Therefore, it should be clearly laid down in the Bill that such expenses will not be included in the returns.

Then I come to the next point. There are various rulings, which unfortunately I could not find in the library, but I have seen a book published by the Uttar Pradesh Government which has given certain rulings and decisions by the courts. If there are two candidates, and if one candidate advertises and makes propaganda in support of himself and the other candidate—such as in a constituency having a seat reserved for a Scheduled Caste candidate or a Scheduled Tribe candidate then, it is laid down in the present Act that this expenditure will be apportioned between the two candidates for the House of the People or it should be equally distributed among the other candidates who are standing for the legislature from the same constituency. This is a very difficult thing. I have seen the rulings of the Uttar Pradesh. In many cases this has subjected the candidates to great embarrassment, and sometimes at the cost of losing the seat. Therefore, it should be clearly mentioned that if any advertisement or any propaganda or any publication is made or taken out by a candidate in support not only of himself but of other candidates, which may be four or five or even eleven as in the case of plural constituencies, the expenditure incurred should be apportioned to him and not be proportionately distributed among all the other candidates. It is very difficult for say, a sum of Rs. 500 or something like that, to be proportionately distributed. Therefore I feel that such a provision as I have suggested now should be there and it should be looked into in the light of the rulings and decisions of courts. I feel that the five points which I have made regarding the return of election expenses, which are apparently very harmless, should be definitely included in the relevant sections of the Act by amending clause 14 of the present Bill which is an amendment to section 33 of the principal Act.

Now I should like to refer to the election returns that are to be submitted. This point has been very rightly pressed by you, Sir, as Chairman of the Committee on the submission of election returns. It is not necessary; if at all we feel that election expenses are to be submitted, then there is no case to press the other point. As you have very rightly suggested in your note while submitting the report of the Select Committee which, of course, is not being placed before this House due to the circumstances which led to the introduction of that Bill not being fructified, I also feel that it should not be essential for all the candidates thousands and thousands in this country—to submit the election returns and thereby giving a chance to the defeated candidate to go and probe into the minute points of detail in the

election expenses which can be found out and which can be made grounds for an election petition to the court. If the defeated candidate has reasonable doubts that the maximum amount set by the Act has been surpassed and the limit has been crossed by the winning candidate, he has got every right to go to the court and say that this amount has been surpassed, that therefore this is a corrupt practice. that the election petition should be entertained by the high court and that, therefore, necessary steps should be taken in that regard. Only in that case, say, after 15 or 21 days' notice, such condidates should be asked by the court to submit the election returns. This is a point which has to be considered by this House and thereby the necessity of submitting an election return at all can be dispensed with.

There is one important point which I want to stress and that is about the office of profit. It is nowhere mentioned—either in the previous Act or in these two amending Bills that are before us—what actually is the meaning of office of profit. We know the history of the office of profit. It was established by King of England who wanted to oblige some Members, to offer or give something to them and then win them over, and in order to see that the Members should not be bribed or should not be forced or prevented from discharging their responsibilities, some offices were given to them and that was called an 'office of profit'. Such things still continue in England. They still have the Chiltern Hundreds and the Ducy of Lancaster. If a Member wants to get out of the House conveniently without facing some charge—if there is a charge, he will be labelled out—the small offices which I mentioned are given to them and the Members then quietly quit the House. Such things are there in the United Kingdom. But in our Act, there is nothing which can say that a particular office is an office of profit. On the other hand, we do the thing negatively. When a Member has any chance of getting an office or profit, then a Bill is brought forward and it is decided that such an office should not be taken to be an office of profit. Articles 102 and 191 of the Constitution say that certain offices of profit which are declared by Parliament as not offices of profit will not debar any Member from the privilege of the membership of the House. But what happens is this. Nothing has been concretely stated and nothing has been definitely stated in these two amending Bills as to what an office of profit is. Therefore, it is very difficult to give decisions, both for the candidate and for the courts, on these points. Whenever some candidates face this position taking shelter under articles 102 and 191, a Bill is brought forward saying that such and such an office will not debar a Member from holding the membership of the House. From the view of propriety also, it is not a desirable practice. When a candidate who is holding an office of profit runs the risk of being unseated from the membership of the House, the Bill comes in. I want that this Bill should debar that man; his election should be set aside and he should go again to the electorate to seek election. But that is not done. A Bill is brought in to exempt such a person and he is declared to be eligible to continue as Member of the House. So, from both these points of view, it is not desirable that we should leave office of profit undefined. Whenever chances of incurring a disability come in, you come with a Bill and enable the candidate to sit in the House. I submit that in the Bill itself, it should be clearly defined as to what offices of profit are.

Mr. Chairman: A fresh Bill is going to be introduced in the House which will deal with this question. Already a committee, which has been appointed by the Speaker, is going into this question and after it has reported, the hon. Minister of Legal Affairs will bring a Bill in this House in the near future.

Shri Bhagwat Jha Azad: Then, it is said towards the end of this Bill that the rules will be laid on the Table of the House after they are framed. But it is not mentioned there whether this House will have the opportunity to discuss those rules or to suggest any amendment, if the Members want to. It should be laid down that within such and such time, say 15 days or 30 days, if no amendments are received to these rules, the rules should be supposed to have been passed. These rules affect the election of Members to this House; they affect the main composition of this House. Therefore, the Members should have the right and an opportunity to consider the rules framed by the Government under this Act. If that is not done, it does not matter whether these rules are placed on the Table or not. With these words, I support the Bill and I submit that it should be amended according to the suggestions that have been made with regard to election returns.

I have got one more point and that is about the proposer and the seconder. It has been rightly stressed that there is no necessity for a seconder. The Election Commission has also suggested that there should be no necessity for the proposer as well and it should be sufficient if a candidate declares his intention of contesting the election in writing to the Returning Officer. I submit that we can do away with the proposer on the same grounds which compel us to do away with the seconder. If a candidate declares his intention to contest the election in writing, if he presents his petition in writing to the Returning Officer, that should be taken as sufficient ground. The Election Commissioner goes to the extent that if a candidate is eligible to be a voter and is not actually a voter, his nomination should be entertained. Of course, I cannot go to that extent. I only say that we can dispense with the question of proposer and seconder. It should be enough if a candidate himself presents his nomination paper declaring his intention to stand for the election. There can be only one difficulty in this. If a candidate is not able to present his nomination papers, what will happen? It is very simple; he can authorise some friend to present the nomination papers to the Returning Officer. We are trying to dispense with the proposer, because there are so many restrictions that the proposer should be so and so, he should not incur disqualifications and so on. The same thing will apply in the case of the Seconder also. This difficulty can be obviated only by providing that any man, even if he has got a disqualification according to the rules can carry the nomination papers of the candidate to the Returning Officer. But we can avoid all these difficulties by dispensing with the Seconder also. Out of the 300 and odd petitions, more than 160 relate to illegal rejection. Out of these 160 cases, in over 64 cases it was upheld that the nominations were rejected illegally, thereby causing great hardship to the candidates. Therefore, I submit that the proposer also should be dispensed with.

With these suggestions relating to the various clauses, I support this Bill.

Shri Kamath (Hoshangabad): On a point of order, Sir. May I ask whether this greatest Parliament in all Asia is not entitled to expect on this important occasion the presence of either the Law Minister or the Home Minister? With due deference to the capacity of my hon. friend, the Minister of Commerce, I submit that the Law Minister, failing him the Home Minister, must be present on this occasion in this biggest Parliament of Asia.

Mr. Chairman: The hon. Minister of Legal Affairs was present in the House; he must have just gone out.

The Minister of Commerce (Shri Karmarkar): He said he would be coming back in ten minutes.

Mr. Chairman: He is here usally in the House. Also, Shri Karmarkar is adopt in legal affairs also. The

House remembers how he piloted the very complicated Marriage Bill in the other House and in this House also.

Shri Kamath: Of course, I do not doubt his capacity.

Shri Karmarkar: The hon. Minister of Legal Affairs is coming back in a few minutes; he has asked me to sit till he comes. Normally, it has been the practice in this House that whenever a Minister in charge of a Bill has to be absent, some other Minister represents him.

Mr. Chairman: Mr. Kamath did not know that the hon. Minister of Legal Affairs had to be absent.

Shri Karmarkar: He said he had some urgent work and that he would be coming back in ten minutes.

Shri C. R. Narasimhan (Krishnagiri): The hon. Minister while moving this Bill said that he was coming here with the experience of the Government and the Election Commission. He did not mention the experience of Members here. I suppose it was due entirely to inadvertance. In the course of the debate a number of suggestions have been made to improve the Representation of the People Act. A review of the working of the Act can be gone through. I will now take up the question which seems to be of some importance; the hon. Minister also referred to it. I would like to refer to the election disputes and the judicial disputes. The Minister referred to the position prevailing in the United States and other countries. Though he alluded to the position in other countries, he did not consider this matter fully and come to a conclusion. I refer particularly to the Constitutional provision in Article 329. This Article says:

"Notwithstanding anything in this Constitution——

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 328, shall not be called in question in any court;

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

In my humble opinion, that article was put in the Constitution to prevent successful candidates from being dragged from one court to another, their entire career being left in suspense, their being prevented from attending to their work after election and getting involved in tiresome legal proceedings. I think it was the intention of the Constitution-makers to limit this kind of disputes to a particular special tribunal and once decision is arrived at there, that decision should be taken as final so that thereafter the Members could attend to their task. According to the quotations made by the Law Minister himself, in America, both the Houses of the Congress deal with election matters and decide on the composition of the respective Houses. Whether it is in the States or in the Centre, each House is treated as competent to declare its final composition. In England, they naturally turn to special judicial bodies. Here in our country also, I think, the Constitution-makers intended that the question should be decided by a special body and then there should be a finality about it. But, unfortunately, after the first gigantic elections were over, a number of cases were instituted and ultimately the High Courts, and the Supreme Court thought that notwithstanding there provisions of the Constitution which I read now, they should interfere and that they derived powers under articles 136, 226 and 227. My feeling is that these high judicial bodies thought that in the interests of justice they should interfere. The

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scheme of the Constitution has been forgotten. I would like the House to bestow some thought on this matter, because, the question centres round one particular point, namely, who constitutes the Parliament or the legislatures. Probably, in other countries like America, it is the Congress itself, or in the case of a State legislature that legislature itself, that constitutes the House. Here, there is no answer to that question: who constitutes the Parliament.

Shri Kamath: In U.K. also, the new Act of 1949 makes a difference.

Shri C. R. Narasimhan: Let us address ourselves to our own affairs. Who constitutes the legislatures in India? Is it the President or is it the Election Commission or the legislatures themselves? Or, is it the Central Government or the various State Governments or the Governors? For that there is no definite answer. That is the problem. A *via media* has to be found out. We should know whether there should be a finality as to these election disputes or whether it should be open to anybody to question the election and then the successful candidate or whoever the affected party is, should be made to go to the various courts in the country. As I said before, if the Members are harassed with such proceedings, they cannot address themselves to the task before them. Their mind will be on the election dispute. This should not be case. I think that it should be enough if a competent judicial body at one stage decides the issue. There should be no further endless proceedings about it. In this country, the nature of the people is such and the litigant mentality is there. I do not think that in this particular sphere it is necessary to encourage that mentality. I hope either now or at some future date the Government and the House itself will bestow some attention to this aspect of the matter.

Shri N. C. Chatterjee (Hooghly): May I point out to the hon. Member who has now raised an important point, that unless article 329 is amended, you cannot possibly give finality to the decisions of the Election tribunal.

The Supreme Court has now held that they are not infringing article 329 by sitting in judgment over the decisons of the Election tribunals. They are exercising their right under the Constitution to issue writes of *certiorari* or other prerogative writs when a tribunal has exceeded its jurisdiction or has done something illegal or committed a manifest error on the face of the record. Only in such cases they are interfering; not interfering with the election, but interfering with the decision of some tribunal which has exceeded its jurisdiction.

Mr. Chairman: In article 329, where is the finality to the judgment of the first court or the second court? There is no question. The point here is, the case should be agitated only by an election petition.

Shri C. R. Narasimhan: The article is clear. What you, Sir, have said and what Shri N. C. Chatterjee has said are, of course, correct. My own feeling is that when the authors of the Constitution put in these clauses, they really intended that there should be some kind of a limit.

Mr. Chairman: The intention is there.

Shri C. R. Narasimhan: In actual working, we find that a number of cases have come on major questions.

Mr. Chairman: Even now, no appeal is provided. When there is an election tribunal consisting of three members, their decision is final, except for the fact that by virtue of the Constitution, there is a certain power given to the higher courts and in exercise of these powers, they sometimes interfere. Otherwise, there is no appeal.

Shri N. C. Chatterjee: The law has been clarified in Shri Kamath's case, where they have said, we do not sit in appeal over the decision; only we have got to exercise certain rights

conferred on us by the Constitution for rectifying errors committed by tribunals functioning in the Republic of India.

Mr. Chairman: The Supreme Court possesses supreme authority over all courts and tribunals, whatever their constitution. There is an article there. Even under the income-tax law or other revenue laws, when there is a final decision, they are competent to interfere. According to the Constitution, that is so. Apart from article 329, the powers of the Supreme Court are definite. They have overall jurisdiction.

Shri C. R. Narasimhan: There are articles 136, 226 and 227 and they derive powers under these articles. I do not dispute either the right or the necessity of the decisions that have been given. What I feel, as practical people dealing with election questions, is that it is a very simple, quick, administrative type of operation, to some extent like a military operation. When a decision is reached, there should be some finality. My own feeling is, in the way these articles 329, 226 and 227 have functioned, there is room for some improvement. Of course, I expect better heads to put themselves together and deal with the problem. I have a feeling that there should be a finality about it. So far, there has not been that amount of finality which should be there.

There was mention about disqualification. We are given to understand that the question of deciding about disqualifications will be removed from the purview of the Returning Officers. But, there may be a snag in that also. There are certain qualifications prescribed. Want of qualification may also be imagined to be a kind of disqualification. My doubt is whether this will also come in. Want of certain qualifications may be as good or as bad as a disqualification. I want the Select Committee and others to think about what will be the position of the Returning Officers in this matter.

There was mention about reducing the interval between nomination and election. It is all right to say that this will reduce expenditure. We know suffrage has increased in each constituency. It has now reached the figure of 8 lakhs. Really if we are to do justice to the task of electioneering and making the people acquainted with party policies on the questions before the public eye, the time is really not enough. Whoever is the candidate, the voters expect him to visit their villages. These are 800 polling stations; there are constituencies 200 miles long. I do not know if they can be covered within a fortnight. Some people imagine that the parties will do the propaganda and that would be sufficient. There are cases where parties do not function. There may be constituencies where there is no party candidate, but there are independent candidates. But, the voters have a right to expect the independent candidates also to do propaganda properly and get the benefit of the viewpoints placed before them by the respective candidates. Therefore, there are two sides to the question. I do not say there is no advantage in reducing the period, but there are two sides to the question, and it is up to the Select Committee to examine both the sides.

Then, there was a reference to the election expenses also, and it was suggested that party expenses will be put under a different category. There is one difficulty here also. On the election eve sometimes some of the parties get contributions from some candidates, and what are we to describe them as? Are they to be treated as donations, or are they to be treated as election expenses? Certain cases did arise in some of the places as to whether contributions made to party organisations by candidates were election expenses or not. In one case a certain contribution made by a certain candidate to a par-

[Shri C. R. Narasimhan]

ticular party was treated as election expense, and the failure to show it, in spite of other legal advice, in the election returns resulted in his election being declared invalid, and there was re-election in that particular case. Therefore, I would suggest that the Select Committee should deal with this question also, and make it beyond doubt as to whether contributions and donations on election eve by a candidate to a party should be treated as the candidate's expense or not. There are decisions by courts. Whether those decisions should be there or not is the point I would like the Select Committee to re-examine.

Another point was made by Government that there will be great political and administrative advantage in having simultaneous elections for Parliament as well as the State legislatures, but I have a slightly different view of the matter. My own opinion is that the mixing up of the Parliamentary election and the Assembly elections is not of one uniform advantage. Actually I find from various accounts that the part a Parliamentary candidate plays in a general election when there are State Assembly candidates, is very, very minor and sometimes unimportant. It becomes almost a farce. The others decide, and he becomes just a victim of the same function, so to say, and therefore it is not of advantage. I even go to the extent of saying that at times the decisions arising out of simultaneous elections do not always reflect the true opinion of the voters. A Parliamentary candidate may be popular, but still, owing to the organised action on the part of the State Assembly candidates, he does not get elected.

Shri Dabhi (Kaira North): Is not simultaneous election being held now?

Shri C. R. Narasimhan: I say there is. In passing I want to say that true representation cannot always be there. If a Parliamentary candidate is there and if it is only a Parliamentary election, the merits and demerits of the respective candidates will be impartially noticed. But, if there are Assembly candidates also, there are several groupings and combinations that ultimately, though the electorate may like to vote for a Parliamentary candidate, in view of the other situation of the State Assembly candidatures, a different decision is arrived at. That shows that it cannot always be a dependable decision.

Then, there is another proposal to vest the Election Commission with power to remove some of the disqualifications. I do not agree with this. It is not desirable to bring in the Election Commission to decide these issues. If there are some disqualifications laid down and they have got to be removed, then it is better to describe in the statute itself where they are removable and give a guidance in the statute itself to the Election Commission, and then leave the decision to the Election Commission. To leave the discretion to the Election Commission will ultimately bring trouble for the Election Commission. I would not advise the Election Commission to take that power. There may be all kinds of pressures and allegations and the great reputation that the Election Commission now enjoys may suffer if further powers in this matter are granted to them. I would urge some kind of definition in the statute itself so that they may act under its guidance. Otherwise, simply to allow them to use discretion may lead to trouble.

A suggestion was made from the Opposition side that some of the other clauses should also be gone into before arriving at a final decision. It deserves some consideration provided this Act is passed quickly and there is some kind of an improved Act before the country for the next elections. Provided that is not prevented by taking up too many questions, I think that suggestion merits support,

and I am sure, as the Minister himself promised in the beginning, he will give consideration to the whole question.

Then, as far as the Bills are concerned, I have nothing more to say. Only I was rather sad that the Opposition took advantage of the business before the House to say what I would describe as some amount of meanness on their part. They referred to the Prime Minister travelling, and the All-India Radio and this and other questions.

Shri Kamath: That is no meanness, but only fair criticism.

Shri C. R. Narasimhan: I think they could be a little more charitable about it.

Mr. Chairman: At the same time, even if they said it, there is no occasion for calling it meanness.

Shri C. R. Narasimhan: All right. If it is too strong a term, I too readily withdraw the term. I think it was ungenerous.

Shri S. S. More (Sholapur): He only wants to demonstrate his loyalty to the party.

Shri C. R. Narasimhan: Not so.

Shri Kamath: To call it meanness is meanness.

Mr. Chairman: This is another similar mistake.

Shri C. R. Narasimhan: It is ungenerous because the personalities that were concerned against whom the charges were made, have been trying to the best of their ability to be impartial and receive even the approval of the Members opposite who have made the charge. Therefore, I really imagine that those opposite could have been a little more generous, but whatever it is, even if those accusations are really there, what I wish to say is that it is for the electorate to decide even those questions. If the electorate finds out that the ruling party and the Government for the time being have been using their offices for the sake of success in election, the electorate is not totally blind, it is open to them to dismiss the Government on that charge. (**Shri Kamath:** *Only after the election!*) I will come to Shri Kamath's case also. He did manage to succeed despite the various other factors. Therefore, I think, to imagine that the electorate is not wise enough to take note of things is not doing justice to it.

Shri B. S. Murthy (Eluru): Shri Kamath's case has been decided.

Shri C. R. Narasimhan: No Government can thrive with such abuses.

Shri Mulchand Dube (Farrukhabad Distt.—North): The two amending Bills seem to be based on the recommendations of the Election Commission. The Election Commission, of course, has realised the difficulties that beset the Election Commission during the elections in the matter of examination of the return of election expenses and the rest. It does not seem to have taken into consideration the difficulties that beset the candidate.

In regard to the amendments that are proposed in the Act of 1950 I welcome them on the ground that the unit is now being made the Assembly constituency rather than the Parliamentary constituency, and the preparation of two electoral rolls, one for the Parliamentary constituency and the other for the Assembly constituency, is avoided. This, of course, means saving of considerable labour and expense.

Shri B. S. Murthy: What about the expenses of the candidates standing for the Assembly constituencies?

Shri Mulchand Dube: I am coming to that.

In regard to the correction of electoral rolls it is provided that a person whose name has been omitted may apply for inclusion to the electoral registration officer, but if the election is on, the petition can be made only to the chief electoral officer. That is, I think, a cumbersome and difficult procedure, for, the chief electoral officer will in many cases have his office at a place which will be at a considerable distance from the parliament-

[Shri Mulchand Dube]

ary constituency concerned, and the person who applies for the inclusion of his name in the electoral roll and who is required to prove certain facts, namely that he was resident in that locality on the qualifying date, that he does not suffer from any disqualification and that he has attained the age of 21, may find it difficult to prove them at a distance from the constituency. So, I hope the Select Committee will take into consideration this fact and provide that even in case the election is on, the inclusion of a name which has been inadvertently left out may be made by the registration officer.

In regard to the Act of 1951, I may say that the chief points which cause a headache to the candidates have not been sufficiently provided for. I shall refer you at once to the return of election expenses. It is certainly mentioned that it will be in the form prescribed by rules. But we do not know what the rules are going to be and whether they will provide for all the difficulties that beset a candidate during the time of his election and in the preparation of the return of his election expenses. Moreover, there are about eleven to twelve parts—I do not exactly remember the number —which will have to be filled up; and some of them overlap each other also. I would therefore suggest that the return of the election expenses has to be simplified, and it should be embodied in the Act itself rather than left to be provided for in the rules. Section 76 should be so framed as to include all these things. To leave the matter to the rules will not solve the difficulties.

There also seems to be some idea to raise the ceiling prescribed in regard to the election expenses of a candidate. My submission is that the ceiling should not be raised. The ceiling that is there at present should be considered sufficient.

The third point that the Bill does not seem to take note of is about corrupt practices (major and minor), and illegal practices. The present clause seems to be based on the law as it stands in the UK, where the difficulty that we have in our country does not arise. The conditions in this country are entirely different from what they are in the UK. For instance, in this country, at the time of the general elections, there are Assembly candidates as well as parliamentary candidates set up by a party; and the parliamentary candidate supports the Assembly candidate, and the Assembly candidate supports the parliamentary candidate. Therefore, any corrupt practice—major or minor —or even an illegal practice which may have been committed in the course of the election wheresoever it may be and by whomsoever it may be, whether by an agent or canvasser of the parliamentary candidate or by an agent or canvasser of the Assembly candidate—each being an agent of the other—would be considered by the law to be a corrupt practice committed by the candidate even though he may have no knowledge of it, and he may not have been concerned in it at all. And if the law of agency that prevails in UK is made to govern the conditions that prevail in this country, there is a likelihood of many of the elections being set aside for no fault on the part of the candidates. I think this is a matter which needs to be looked into.

The next point that arises in this connection is about the disqualification arising out of holding an office of profit. We have had several enactments during the last three or four years, both in the State Legislatures as well as in Parliament, by which the disqualifications that arose on account of the holding of offices of profit were removed. My submission is that all this has been done without having a clear idea as to what an office of profit is. I think we should

first of all clearly define what an office of profit is, whether it is an office really or whether it is merely confined to the holding of some employment or office under Government. This point has not been touched in either of the Bills before us, and particularly in the second Bill of which it should have formed a part.

The last thing that I would like to say—in fact I should have said it first with regard to the Act of 1950—is this. In UK it appears that the parties take care to have the electoral rolls corrected. There it is left to the parties, and Government do not take any action in the matter until a thing is particularly brought to their notice. The state of parties being what it is in our country, and the electorates as they are being extensive. I think it would be almost impossible for any party to see that the name of every elector is entered properly. The constituencies extend over very wide areas. So, the parties cannot take it upon themselves to have the entries corrected where necessary. Hence the matter should be left to Government and the Election Commission. It is only after the election is notified that a party can if at all see whether the electoral rolls are correctly made or not. But having regard to the fact that nearly four to five lakhs of voters are there in every constituency, it is almost impossible for any party to undertake this task. So, the matter should for some time at least be left to Government and the Election Commission.

Shri D. C. Sharma (Hoshiarpur): The first point that I want to make is in regard to the preparation of electoral rolls. I think it will be the experience of most of the Members of this House as well as the Members of the State Legislatures that the electoral rolls are prepared in a very perfunctory manner. They are never up to date, and if I may be pardoned for saying so, they are very often incorrect. They do not take into account the people who are living or the people who are dead. In my own State, as you know very well, these electoral rolls are published in Urdu; of course, they are published in other languages also. But as you know, when a thing is written in Urdu, a dot above a certain point or below a certain point makes a lot of difference and it also makes a lot of difference whether there is one dot or whether there are two dots. So, sometimes, it becomes very difficult for a candidate to trace the proper person who is a voter.

1 P.M.

Sometimes a voter is left out because his name is incorrectly transcribed in the electoral roll. Again it so happens that sometimes the names by which we are known are not given in the electoral roll. For instance, I am known by a particular kind of name. But in the electoral roll, my complete name will not be given but a kind of name will be given which will put people in doubt about my identity. I do not think this applies to all the voters, but this does apply to some persons. Again, in the electoral roll, the profession is not given very precisely. I know very often it happens that a voter who goes for recording his vote is not able to do so, because the electoral rolls are not prepared very exhaustively and very properly. Therefore, this is the first suggestion that I want to make.

The second suggestion that I want to make is this. Nomination papers are a very big hurdle. Now, it so happens that in the electoral rolls, you have the major part and you have the supplementary part, and in supplementary part, you have some numbers and in the major part, you have some numbers. Sometimes, it is not correctly stated whether there is any differentiation between the major part and the supplementary part, and therefore, a person who wants to get himself nominated finds it very difficult to put down his name correctly. At the same time, one place of residence is given in the electoral roll

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but in the meantime that person may have shifted from that locality or town to some other locality or town. I know that some persons have got into trouble on account of this. They shifted from one part of town to another part; somebody said, 'Well, he is not the same person; he is some different person'. Therefore, I say that these things have got to be looked into.

I find that the business of the proposer and seconder is a ticklish proposition, and it gives a handle to some persons to harass the candidate. Sometimes this harassment is done with some purpose and sometimes this harassment is very vexatious. It is done only in order that the man may be subjected to a kind of minor war of nerves. I would, therefore, say that if a man's name is on the electoral register, he should not need any proposer and seconder. Because you know that when we are putting in our nomination papers, we do so in large numbers. For instance, we think that perhaps one nomination paper may be rejected.

Shri S. N. Das (Darbhanga Central): We only agree to nomination.

Shri D. C. Sharma: Our nomination paper is rejected. Therefore, we try to file as many nomination papers, supported by proposers and seconders, as possible. It is because one paper may be rejected on one ground and another may be rejected on another ground. Therefore, the proper course is this. This is a very minor thing; it is not a thing which is going to affect, in any way, the prospects of a candidate. We should do away with this paraphernalia of the proposer and the seconder.

Again, I would say that it should be made necessary—and I want it to be done by the Select Committee—that some minimum educational qualification should be there for anybody who stands for an Assembly or Lok Sabha.

Shri B. S. Murthy: Is it a University qualification?

Shri D. C. Sharma: I do not think that that person should have any University qualification; I will not say that. But I say that a person should have some minimum educational qualification, and without going into this matter in detail, I want to make a suggestion to the Select Committee to go into this question so that...

Mr. Chairman: The hon. Member knows that such a qualification cannot be made so far as the rules are concerned. Unless Parliament passes a law to that effect, no such qualification can be inserted in the rules. Perhaps the hon. Member also knows that there was a resolution brought forward here about this minimum educational qualification and the House did not pass that resolution.

Shri Bhagwat Jha Azad: Should all professors be elected to Parliament?

Shri B. S. Murthy: He is talking like a professor.

Shri D. C. Sharma: A great deal has been said about the propoganda part of elections. I do not want to rebut all the arguments that have been made against the ruling party on the floor of this House. But I would say this, that proper scrutiny should be made of the posters that are published at the time of these elections.

Shri B. S. Murthy: By whom?

Shri D. C. Sharma: Some kind of minimum standard—as we have minimum standards for everything—some kind of ethical standards should be there for the publication of these posters. This provision can be incorporated in the Act. Because I know all kinds of posters are published; all kinds of things are said, all kinds of allegations are made, and there is so much of rush that the executive government has absolutely no time to look into them, and these

things are sometimes made use of for the purpose of election petitions —but very often they are not. But I should say that for a clean, healthy public life in India, it is necessary that minimum ethical standards should be prescribed for these posters and for these cartoons which are published. I would also say that there should be some kind of check at these public meetings. I am talking from my experience, and I think many of my friends will bear me out when I say that at these public meetings, slogans are shouted which would not do credit to any civilised society in any part of the world. At these public meetings, things are said which will not do credit to this great country which is a great democracy, which is the biggest democracy. I would also say that near the polling booths.....

Shri B. S. Murthy: 'Polling' booths, not 'pooling' booths.

Shri D. C. Sharma: I know. The hon. Member is trying to criticise me as if he was born and bred in Oxford. I know sometimes in a hurry one is not able to pronounce correctly. I think my friend should not be so uncharitable.

Shri B. S. Murthy: I am helping him.

Shri D. C. Sharma: He is helping me. For God's sake, let him not help me. God save me from friends like him.

I was talking about the polling booths. I know that sometimes there are certain parties which do not let the members of other parties to go to the polling booths. I know that makes it impossible for them to record their votes. Of course, people will say that this is done by the Congress Party. I can assure you that it is not the Congress Party that has done anything of this kind. I do not want to name the parties but I tell you, there are other parties which are responsible for that.

[MR. DEPUTY-SPEAKER *in the Chair*]

They also harass the voters. I would, therefore, say that so far as arrangements at these polling booths are concerned, they should be made very stringent and very wholesome. At the same time, I would say that so far as appointment of polling agents, counting agents and election agents is concerned, some kind of minimum qualifications should be prescribed for them, because I know that these persons are sometimes appointed in a way which is not wholesome for our democracy. For instance, I know that sometimes polling agents are appointed not because they will be conducive to the successful conduct of the election but because they would be instrumental in disrupting the ordinary procedure of those elections. I would, therefore, say that some kind of qualifications should be prescribed for these agents.

The number of counting agents and the number of polling agents should be increased as much as possible so that a candidate who has to run his election campaign does not suffer on acount of this. The point I was making was that the polling booth should be protected against hooliganism and that it should be made possible that propaganda is as clean and wholesome as it is practicable.

Now, I come to election expenses. My feeling is that in the case of recognised party candidates the election is run by those parties. Of course, the candidates run it in their individual capacity also. They are there mostly because they are nominees of a particular party. I do not want to apportion the ratio between the party aspect and the personal aspect. I do not want to do that. I say that most of the persons who are returned to the House are there because of their parties. I would say that so far as the election expenses go, it should be for the parties to file the return of election expenses. It

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should be given individually only by those candidates who are independent candidates and who do not belong to recognised parties. In the case of others, it should be the party that should submit the return. I think it will make for a cleaner public life if that is done. In that case there will be very little room for malpractices or corrupt practices, major and minor, and for illegal practices. I think it is much better if this return is done away with. I know that the preparation of the return of election expenses is a very tedious thing. It is very difficult and it is a very tortuous thing. It is not only that one has to run his election but one has to keep one's eye on every item of expenditure. One has to keep a bill for every pice that one has to spend. I think this is a kind of nervous strain from which we should save the candidates as much as possible. I know that a person can take this thing very gaily. But, that is not possible. Therefore, for the sake of promoting better standards of public life, I would say that the return of election expenses should be simplified. I say that it is only the party that should submit the return; but, if that is not possible, the form should be simplified. At present the form of return is very cumbrous. I do not want to say more than is necessary. It is not in any way conducive to the promotion of high standards....

Shri Syamanandan Sahaya (Muzaffarpur Central): Of truth and honesty.

Shri D. C. Sharma: You would say that when you make your speech.

It is said that the expenses that are prescribed are very low. If what I have suggested is put into practice the question of expenses being high or low will not arise. I think the limit of expenses which has been prescribed already is quite all right. For instance, you say that a man who runs in a double member constituency for the Lok Sabha can spend up to Rs. 30,000. I say it should be reduced. This is not in keeping with the national income of our country. I would say that these expenses should be brought as low as possible, especially in the case of double member constituencies for Lok Sabha and the State Assemblies.

The point that should be made clear is this. We should be told from what time we are to record our election expenses. When do we begin to function as candidates for an Assembly seat or for a Lok Sabha seat? That is the problem. When I was filing my return of election expenses so many different interpretations were given.

Shri Kamath: By whom?

Shri D. C. Sharma: By men like you. By men, good, perverse and all sorts of men. They said to me, 'you became a candidate from the moment you went to the District Congress Committee and signed your application'. Somebody said that to me and, of course, they were lawyers.

Shri N. C. Chatterjee: I should tell my hon. friend that this week the Supreme Court has delivered a judgment in the Katpadi case setting aside the election of a Congress candidate saying that on the very day the poor man sent his application to the Congress Committee for considering his name, from that very day he becomes a candidate. I had the privilege of appearing before the Supreme Court on his behalf and we contended that it would be absurd, it would not be proper to fix him with liability and making him a candidate from that day because he only said 'if you give the nomination, I would stand; otherwise, I am not going to stand'. In spite of that, the Supreme Court has held that he had become a candidate because he held himself out as a prospective candidate and that Rs. 100 plus Rs. 400 must have been

shown in the return of election expenses. And, as it had not been shown, his election was set aside. Not only that, he has been disqualified also. I think the name of the candidate is Shri Kader Seikh.

Shri D. C. Sharma: I thank Mr. Chatterjee for this clarification. I say the Supreme Court is always wise after the event. What would happen to the poor man? There must be some clarification on this point.

Again my hon. friend Pandit Thakur Das Bhargava has said that the Committee is going into the question of office of profit. I think we should await the findings of that Committee. They will be debated on the floor of the House and, I think, something useful will be done.

I would say that in the matter of profit, which of course, includes money, prestige, patronage and so many other things, the directions should be as clear and as precise and definite as possible. I know some Vice-Chancellors of some Universities were disqualified and others were not disqualified. Some persons were disqualified for some reasons and some others were not disqualified for the very same reason. Therefore, I say it should be precise.

Moreover, I would say that to say that a lambardar is holding an office of profit is some kind of exaggeration of language. To say that a lambardar, a patwari or a chowkidar—these officers of the village community—is very influential is again some kind of exaggeration of the language. I would say that simply because these persons get a little money, simply because they get some commission, they should not be debarred from performing a civic duty which is much greater than the petty earnings that they get. I would say that the hon. Minister should kindly publish very definite and precise rules under this Act. Again, some attempt should be made to educate the public with regard to this. I know that our hon. Finance Minister announced the other day that it would be possible for him to bring out some literature with regard to the company law so that the ordinary man or the average man is educated properly. If the Finance Minister thinks that it is his duty to educate the common man with regard to the company law, I think it should be the duty of the Ministry of Law in a greater degree to educate the common man so far as the law of elections is concerned. I would therefore say that good, easy and simple literature should be produced in order that the common man understands what makes an election, what he is to do at the time of the election and what kind of things he is to avoid, etc.

One more point and I will finish, and that is about election petitions. It has been said that election petitions should be tried by a tribunal consisting of one man and some people say that it should be tried by a tribunal consisting of more than one man. I would say that they should be tried by a tribunal not less than three persons and that these persons should be at least of the status of District and Sessions Judge. I would also say that there should be a time limit prescribed within which they should give their judgment. I know there are election petitions which keep going on and are not decided as quickly as possible. The election machinery should be so devised and geared up that no election petition takes more than a year to decide. There are some persons who say that it should not take more than six months, but I would say that it should not take more than one year to decide.

Shri S. S. More: The tribunal is proceeding with the hearing of the election petition, but either of the parties may go to the Supreme Court and get a stay order—or it may be from the High Court. Therefore, no categorical time-limit can be imposed.

Shri Kamath: In the normal course.

Shri D. C. Sharma: This is a welcome measure and I hope the other suggestions made by Members of this House will be looked into by the Joint Committee and the election law will be made as worthy of this country as it is necessary.

Shri Lokenath Mishra (Puri): I wholeheartedly support the two Bills that are now before this House. In fact, our experience of the last general elections has made us wiser in this matter, and the Ministry of Law and the Election Commissioner deserve our thanks for having brought forward these two Bills before the coming general elections.

While accepting the provisions given in these two Bills, I would like to emphasise only on clauses 17, 58 and 60 of the bigger Bill and clause 13 of the smaller one.

Clause 17 of the bigger Bill refers to the disqualification of candidates. It is proposed that to minimise the duties and responsibilities of the Returning Officer, the rules should be so simple, precise and definite that there will be no difficultly for him to decide the nomination or otherwise of a particular candidate This is really a very good provision, but at the same time it says that so far as the candidate is disqualified or not, that will not be decided by him but will be left open for a tribunal if a case so arises. I submit that this is not good. In the first instance, the Returning Officer should have jurisdiction to decide all the points that the opponents of a certain candidate may like to be decided upon. I therefore suggest that in the first instance, unless the rival brings forth the question of disqualification definitely to the notice of the Returning Officer, any further chance of bringing forward this charge should be barred.

Then I refer to clause 58 which speaks about substituting a petitioner who fails to appear at any stage of the trial before the tribunal. I would submit that this is a very bad provision. We know the rigours and difficulties of being a candidate in the general elections. We should attempt to frame the law in such a manner that after an election is over, there should be as little cause for anxiety for a candidate as possible. Of course I assume, and I have every right to assume in the light of the experience of the last general elections, that we are quite competent—the Government, the Election Commission, and the candidates—to run the elections as fairly and as democratically as possible. Therefore, our first view should be to make the election final as early as possible. Suppose before a tribunal some persons or rival candidates came with a petition for disqualifying the candidate who was successful, and they defaulted to appear later. In that case we should not make a provision in the law that anybody else may come forward and that he would be substituted as a petitioner and the tribunal would have jurisdiction to carry on the case. I think there is no justification for this new provision, which is absent in the existing Act.

I would then refer to clause 60, which refers to section 123 of the existing Act. It refers to corrupt and illegal practices in elections. Whoever reads our election law will say that we are extremely anxious to avoid corruption and to make the election as just and fair as possible. But however much we may try, with all the best intentions in the world, life is such that minimum corruption is a part of life, and I, therefore, submit section 123 which describes the major corrupt practices is too hard for any gentleman to observe.

Shri Kamath: Gantleman?

Shri Lokenath Mishra: Yes. For the benefit of this House, I will just read one or two sentences to show how unfair and hard it is.

It says like this:

"The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of including—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not so stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting."

This means that in no manner you should attempt to make your election easy. Supposing I am a candidate and there are two or three rivals against me, I will have no opportunity or it will be illegal for me to ask my rivals to consider how far their elections or my election would be preferable. In other words, it means that if you are to stand, you must stand and fight and then win. But I think this should not be the case. Suppose there are two or three candidates rival to one another. The candidates should have a right to persuade the rival to withdraw justly, rightly and democratically and ask him to consider for himself whether he would be a better choice or the other man would be a better choice.

In fact from my own experience in the last elections, I can say this. There were two candidates opposed to me. One was a communist candidate and the other was an independent rich. Of course, as a Congress candidate, I knew that my success was sure. But then I thought sometimes within myself what a fun it was for this rich man—who does not know politics—to stand for election. He was not a fit candidate but he had been made to stand against me. I was wondering how it was that he stood for election. I was sometimes tempted to ask him: why bother about it; you have other business to carry on; here refrain. But when I read this law, I thought this would be a wrong way. If I just talked to him over and somebody takes a note of him and me together, then it might be said that it was an act of corrupt practice. So long as this law stands, that is also a corrupt practice. I hope my hon. friend, the Law Minister will make it clear whether it is fair for a candidate to persuade his rival or to discuss with his rival as to whether there is a possibility of making the election easier or uncontested. So long as this stands, it is not possible. It is such a thing that any man, any rival can bring the successful candidate in the election under the mischief of this law whatever may be the result. We know the troubles that hang around a candidate. I, therefore, bring to the notice of the Minister of Law this rigorous attitude that has been taken with regard to corrupt practices. I need not go into the details; it is a very long and cumbrous thing. It is really good that we have tried to focus so much attention on corrupt practices but we have been so impractical in this matter that we must now take a realistic view of the elections and accept some amount of corruption—if it may be called corruption—in the day-to-day elections. We should make it a little more liberal.

I would speak a word about election expenses. It has been said that henceforward the process of submitting return of election expenses will be made easier and it will not be as complicated as it has been. But to my mind elections are such a matter that the greater is a candidate in position and authority, the more will be the corruption about him. How-

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ever much you may say that you must not use your political influence or other influences other than what is legitimate and open only, when there are ordinary rivals, this sort of equal opportunity is impossible. I rather think that it would be much better to do away with these returns of election expenses altogether. We know that with the best of our intentions we cannot give a very correct report of our election expenses. For instance, I myself did hardly spend more than a thousand rupees for election. I thought how it would look if I submitted this figure while the figure fixed is Rs. 25,000. Who would believe me? In fact I thought of raising it to more than the amout spent. I submit that the statement of election expenditure is certainly a good thing to a certain extent and it will prevent a certain amount of corruption sometimes. Beyond that I do not think there is any real utility in submitting them.

Mr. Deputy-Speaker: A thousand rupees for 7·5 lakhs of population with five or six local Assembly seats. Did not the other Assembly members spend money?

Shri Lokenath Mishra: I have not to submit accounts for their spending.

Mr. Deputy-Speaker: The hon. Member may be appointed as election agent by all the other Members everywhere in India so that they may get things cheaper.

Shri Lokenath Mishra: I would submit something about the ceiling on election expenses. It is now legal to spend upto Rs. 25,000 for a single-member Parliamentary constituency and perhaps a lakh and twenty thousand for a double member constituency.

Pandit K. C. Sharma (Meerut Distt.-South): Rs. 35,000.

Shri Lokenath Mishra: Let us take the Rs. 25,000 for a single-member constituency. We are here for about five years and I think in spite of all the miserliness and economising of our expenditure, I do not think we would be able to earn a net amount of say Rs. 15,000 during all these five years.

Shri Kanavade Patil (Ahmednagar North): We have not come here to earn money.

Shri Lokenath Mishra: I know that: and yet I know for what we are here. I am coming to practical politics.

Mr. Deputy-Speaker: What is the hon. Member's suggestion?

Shri Lokenath Mishra: My suggestion is that Rs. 25,000 for a Parliamentary constituency in the present economic conditions of our country and considering the average income of a citizen is too much. Therefore, it should be less. I do not know how much it should be. It may be Rs. 5,000 or Rs. 7,000.

It may be said that we could not with this sum, educate lakhs and lakhs of our citizens. But in my case and in the case of most of us our electorate did not go uneducated.

Mr. Deputy-Speaker: May I ask the hon. Member what according to him was spent by every one of those Legislative Assembly members in his constituency.

Shri Lokenath Mishra: If what they spent is included within my expenses....

Mr. Deputy-Speaker: No. Individually, what was the maximum and the minimum that has been spent?

Shri Lokenath Mishra: I think in my constituency nobody spent even half of the amount he was legally bound to spend.

Shri S. N. Das: If there are separate elections for the Parliament and the Assemblies.

Mr. Deputy-Speaker: It is so in Andhra today. (*Interruptions*).

An Hon. Member: What about by-elections?

Shri Lokenath Mishra: Of course the case of by-election is there. Even in a by-election, who can leap out of his purse?

Mr. Deputy-Speaker: May I suggest to hon. Members—of course every hon. Member can go on elaborating a single point for all the 20 minutes at his disposal—that if they confine their remarks to particular points it would be better. Every hon. Member knows the particular points. He has stood for election to this House and nobody has been nominated. Therefore, he knows the details of the difficulties undergone by himself or by others, and as such the points may be given elaborating one or two points here and there. Otherwise, if an hon. Member goes on referring only to the ceiling I will have to ring the bell and ask him to conclude.

Shri Lokenath Mishra: Lest you may ask me to sit down, Sir, I withdraw all that I have spoken of election expenses.

Mr. Deputy-Speaker: No, no. The hon. Member has spoken very well.

Shri Lokenath Mishra: Thank you, Sir.

Now, I need not speak more about it and I will go to another point and that is with regard to the electoral roll itself. There is some provision to amend the electoral roll itself. It is my experience that the electoral rolls are so badly and irresponsibly kept that they are incomplete and this touches the very fundamental right of a citizen who is an adult in this country. In the last election even in urban areas I know people of a whole mohalla were left out. I know cases where even some villages were left out completely. It has been provided here that when somebody finds that his name is not there he has to go with the proper form, to the proper authority and in the proper manner so that he may get his name added to the electoral roll. This, I say, is putting the cart before the horse. Once you decide that every adult of this country has the right to be a voter and for that purpose the public exchequer spends money on officials whose duty it is to make the electoral rolls up-to-date it is not for the citizen, who has already spent money over it by way of taxation, to take care of himself and see whether his name is there in the electoral roll or not. I think the law should make it mandatory—not mandatory in the sense that if a certain name is not there the whole election would be void or the whole electoral roll should be considered improper; I do not mean to say that—what I say is that there should be a clear provision in the law itself that it is the duty of the officer concerned or the election authority to see that the electoral roll is complete and rightly complete. If, for instance, as Shri Kamath said yesterday, he was a candidate and he might have lost—he shall certainly be a person who is entitled to be on the voters' list. But in the by-election, Shri Kamath said, he found his name was not there. Do you think it is up to him to go to somebody else and get his name included? Therefore, I say that there should be a provision in the law that in cases of such default the authority concerned should be brought to book.

Shri Kamath: I am glad you are supporting me.

Shri Lokenath Mishra: You are providing here that if your name is not there you should go to some person in a proper manner and see that your name is included. I think this attitude that a citizen should go and find out first whether his name is there in the electoral roll or not and if his name is not there he should see that his name is included is a call at the wrong place. The responsibility should be that of the officer concerned and some provision should be

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made that in case of glaring impropriety on the part of the registering authority that authority—not the candidate or the person whose name is not there in the rolls—should be held responsible.

Mr. Deputy-Speaker: The hon. Member must conclude now.

Shri Lokenath Mishra: Sir, I have almost done. I am very grateful to you for having given me this chance and once again I whole-heartedly welcome this measure because it brings about more sanity, more practicality and more simplicity. With these words I commend the two Bills for the discussion of the Select Committee, at the same time requesting them to see that these basic provisions on which I have spoken something are given due consideration.

Shri B. C. Das (Ganjam South): The present Bills embody the amendments suggested by the Election Commission based on its experience on the working of the Representation of the People Act during the last general elections. So, it is meet and proper that the Select Committee should go through the entire Act in order to understand or properly appreciate the amendments suggested and also to suggest new amendments to other provisions if necessary. I think, if it is the purpose of the Government to improve upon the old Acts and to remove the defects experienced during the last elections they should give the Select Committee and the House an opportunity to examine the two old Acts in their entirety.

The hon. Minister has admitted that parliamentary democracy in India is very new and that it is on trial. Its future and fate depend upon the ensuring of free and fair elections. If the people feel that parliamentary democracy can deliver the goods, that a welfare State can be established which can faithfully represent the aspirations and the best desires of the people then it will have a longer lease of life. If, on the other hand, people get convinced that parliamentary democracy is a mere facade to cover up the rule of big money, then, sooner or later, they will drop it like red not potato. That is the position. I think the Representation of the People Act, if properly designed and executed, will be able to ensure free and fair elections. It can function as a weapon to safeguard parliamentary democracy and to ensure free and fair elections. We have to examine how far the amendments suggested in these two Bills serve this purpose.

We know that in a multi-class society, where big money rules the roost it is very difficult to ensure free and fair election. Mr. H. N. Brailsford in his brilliant book *Property and Peace* has cited chapter and verse to show how big money intervenes in elections even in England. So, in a country like India where the tradition of democracy is very weak our difficulties are still greater.

There are twin dangers that stand in the way of free functioning of democracy in this country. First is the intervention of big money and the second is the undue influence exerted by the executive. These twin dangers imperil free and fair elections. Though most of the amendments suggested in these Bills seek to rectify defects in the principal Act, certain amendments, I am sorry to say, are really retrograde steps and should not be accepted. In the principal Act, though a ceiling was fixed to the election expenses, it was fairly very high and placed the poorer candidates at a disadvantage. In the present Bills, the present high ceiling is retained. At the same time, political parties are given free hand to spend as much as they like. No limit is fixed to the expenses of parties. This will give a free hand to the parties of big-money to break their opponents under the sheer weight of

their money-bags. This will lead to very grave consequences. In a country like India where people have to be trained in democracy, if any party spends huge sums of money, puts up a giant election apparatus with a myriad-mouthed propaganda machinery which seeks to bewilder and befuddle people's minds and if it appoints agents for every household and fixes up a mike at every street-corner, in the general ballyhoo of election, the people may be stampeded into the polling-booths, but the verdict of the electorate in that case will not be a proper verdict; because people in that bewildering atmosphere will not be able to exercise their true judgement. The other party which might have got a poor jeep and a few leaflets to distribute cannot be heard; its voice will be inaudible in the blare of publicity of the party which spends huge sums of money. Therefore, I suggest that in the case of party-sponsored candidates, the ceiling on personal expenses should be lowered, must be drastically lowered. Party expenses also must be subject to scrutiny. Then a ceiling should be fixed, and on no account the party expenses incurred in a particular constituency and the personal expenses of the cadidates put together should exceed the present ceiling fixed by law, and a machinery should be devised to scrutinise the accounts of the parties. If this is not done, free and fair elections will not be possible.

In this connection, I put forward another suggestion. The deposits required for filing nominations are too big. A poor candidate will not be able to deposit Rs. 500 and it is a big sum for him. So, I would suggest that the deposit amount should be halved. Similarly, the deposit required for filing election petitions should also be reduced.

Another difficulty during elections which was experienced by us was the challenging of votes. When we challenge a vote, we have to pay a deposit amount of Rs. 10. A deposit amount of Rs. 10 will put the poor candidates to a disadvantage. My purpose in emphasising these points is to make it clear that if we want to make democracy function, we should make the elections as inexpensive as possible and make them easy and bring them within reach of the common people.

There is another retrograde provision found in these Bills. In the principal Act, there was a provision that the village headman cannot canvass on behalf of any candidate, but now, the State Governments are empowered to remove the restrictions on these officers. A free hand is given to the State Governments and in the explanation given, it is specifically mentioned that the village headman should be allowed to take part in electionering work. I think it is a dangerous provision, because, one who understands our social set-up will agree with me that the village headman is much more powerful than even the district magistrate. He is the local boss. He is the gateway through whom you approach the Government. He is sometimes the money-lender and the landlord, rolled into one. He is very powerful and every day he comes into contact with the life and activities of the villagers. So, it is very difficult for a villager to incur his displeasure. If the village headman starts canvassing, I think it will be an undue influence exercised on the voters.

Another danger experienced during the elections was the intervention of the Ministers. I had a personal experience of this just a year ago at the time of a by-election to the State Assembly in a small constituency. In that particular constituency, you would be surprised when I say that the entire cabinet functioned in favour of a candidate. All the members of the cabinet, about 10 or 12, went from village to village. In the

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day-time they used to go with the national flag flying and tell the villagers, we would open schools, construct roads, loosen the starings of the State purse and donate to different institutions, etc. In the evening, the flag used to be changed and the congress flag was put on the bonnets of their cars and they went from door to door and canvass the votes of the villagers. On the election day, in Berhampur town itself, it so happened that every ward was in charge of a Minister. A powerful Minister, holding the reins of Government in his hands, will go from door to door and ask the voters to go to the polling-booths and vote for the candidates of his choice. If this is not corrupt practice, I do not know what else can be corrupt practice.

Mr. Deputy-Speaker: Does the hon. Member suggest that the Ministers should resign?

Shri B. C. Das: I am coming to my suggestion. My suggestion is, the Ministers should be forbidden to do propaganda for any candidate. If they want to do propaganda for any candidate, they have to relinquish their office, and as private citizens they can go and do propaganda. As long as they hold the reins of Government in their hands, as long as they wield immense power and influence, undue influence is sure to be exercised on the voters. In the particular case which I mentioned, the entire cabinet of the State came and worked for one single candidate. When that is the case, you cannot expect any fair practice in that area.

Shri B. S. Murthy: What was the result of the election?

Shri B. C. Das: The Congress won naturally; by 2,000 votes.

Mr. Deputy-Speaker: Wherever it lost, what happened? Were the Ministers ill?

Shri B. C. Das: It was a by-election. It was possible for them to concentrate all their force there.

Mr. Deputy-Speaker: Therefore, for every by-election, the Ministers should resign and then come back!

Shri B. C. Das: They should not go in for propaganda as long as they retain their office. There is the President of the Congress Party, the Chairman of the socialist party, the Secretary of the Communist Party, etc. They can go and do propaganda but not the Ministers who hold office.

Another suggestion that I want to make is that the election officers of the States should be independent of the State Governments. They should be under the complete control of the Election Commission. Their promotions, their transfers, everything, should be in the hands of the Election Commission. They should not be recalled to the State service on any account. The Election Commission may send them away but not the State Governments. I say this because I came to know about a queer experience of one particular election officer of a State. He was not very pliable and so he was recalled and harassed. So, just as we have got an independent judiciary, these election officers also should function under the Election Commission. Even the clerks and all members of the staff of the election officer should be independent of the Central and the State Governments. Then alone we can expect some sort of independence from them. If they are attached to the Ministers, they cannot be expected to be fair or straightforward.

Mr. Deputy-Speaker: Does the hon. Member suggest that the Election Commissioner should have an army of these people?

Shri B. C. Das: Yes; as we have got in the case of the High Court and the Supreme Court, so also, to ensure democracy in India, especially parliamentary democracy in India, we have to be specially careful, because in this country, where parliamentary traditions are yet to be built up, we have to put special safeguards. Other-

wise, there is very great danger of parliamentary democracy collapsing in this country.

2 P.M.

Mr. Deputy-Speaker: The analogy of High Court does not hold good in this case.

Shri B. C. Das: What happens during elections is that the Ministers bring in the voters in lorries or motorcars to the polling booths and the police are not interfering. Therefore, if the Election Commission has got a special staff, they can come and inspect and check these things and then bring the culprits to book. Then alone we can expect some justice.

Shri B. S. Murthy: Can you give details about the staff required?

Shri B. C. Das: I have not worked out the details. If I am taken in the Select Committee, I can tell you how it can be done.

I have one more suggestion and that is about the preparation of electoral rolls. My hon. friend, Shri Lokenath Mishra, has already criticised how the electoral rolls are prepared. I know that in my own State the electoral rolls were so grotesquely distorted that you could not identify the names at all. In case of women, husbands were styled as fathers, fathers were styled as sons and so on. I say this is very humiliating. The reason for this is that the staff employed for enrolling the names of voters is poorly remunerated. Petty school teachers getting Rs. 10 or Rs. 15 a month are employed for this purpose and they neglect their duty. There is also another difficulty. The State Government, which sends the voters list to the press, wants to engage the cheapest presses which demand the lowest charges for printing the electoral rolls, with the result that innumerable printing mistakes are found in these electoral rolls. Another difficuty is this. We know that the citizens of India are not so enlightened and so developed politically that of their own accord they will come forward and give their names to the people who enroll the names of voters; you cannot expect them to correct their names if they are defectively printed in the electoral rolls. Usually the electoral roll is hung in a corner of the police station or the panchayat office. Very few people go there and take the interest to see those rolls. If you are really earnest democrats, you have to teach and train the people in democracy. By the beat of drum, you have to tell the people that the electoral roll is hung in such and such a place. A special officer must be appointed to assist the people in finding out whether their names are put properly in the electoral rolls. A sort of campaign should be launched in order to enthuse people to go to that particular place and find out whether their names are enrolled. The political conciousness of our masses has to be roused; then alone democracy can function in this country.

In this connection, I would say something about banning of vehicles. We know that there is a law that candidates cannot take voters to the polling booths in vehicles. But invariably powerful parties carry their voters to the polling booths in vehicles and the police very rarely interfere. I would suggest that in the interest of free and fair elections, on the day of election, vehicles should be banned. Only the candidate will be allowed to use one car or jeep; none else should be allowed to use cars on that particular day. They should be banned.

Regarding the composition of the Tribunal, I think there is some advance over the old system. When you appoint some advocate who aspires to become a judge or who aspires to some high office, you cannot expect justice from him. I know of a case in which, a particular gentleman, who invariably becomes a member of Government appointed Tribunals, was appointed to the Election Tribunal. He was a tribunal judge to exa-

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mine cases of detunes when I was a detenue myself. His ambition is to get some high Government post or a post depending on the favour of the Government. From such a person you cannot expect justice. Such people get employed in the Tribunals very often and therefore people lose respect for these tribunals. I submit that it is better to have full-time persons already in employment and who do not expect any favour from the executive Government. Only such people should constitute the Tribunal; then alone we can expect some justice.

The Minister of Legal Affairs (Shri Pataskar): The proposal now is to have two serving judges.

Shri B. C. Das: That is why I say it is a step forward.

In conclusion, I would like to submit that if parliamentary democracy can be given a chance, it is the party in power that can give it a chance. But if the party in power abuses the trust which has been reposed in it, if it really betrays parliamentary democracy, history will not excuse it. We know very well that Parliamentary democracy is not the final word in political wisdom; it is on trial. In India if elections are not fairly conducted and if people feel that election is but a costly farce, the result will be that parliamentary democracy will soon be discarded and some other political machinery will be invented by the people for establishing a welfare State.

Mr. Deputy-Speaker: I will call those hon. Members who have had no chance during recent years. Shri B. D. Shastri.

Shri Kamath: You are very considerate.

श्री बी० डी० शास्त्री (शाहडोल मीधी) : मंत्री महोदय ने जो यह विधेयक संसद् के सम्मुख उपस्थित किया है, वह दो मुद्दों पर है, एक तो एलेक्शन कमीशन के अनुभव के आधार पर और दूसरे गवर्नमेंट ने गत चुनावों में जो अनुभव प्राप्त किये हैं, उनके आधार पर यह विधेयक तैयार किया है ।

कल आदरणीय सदस्य श्री एन० सी० चटर्जी ने एक मोशन प्रस्तुत किया है कि इसका दायरा क्षेत्र फल सेलेक्ट कमेटी में और बढ़ा दिया जाना चाहिये । वस्तुतः इसको अगर देखा जाय और इसके सारे डिटेल में जाया जाय, तो इसम आप काफी खामियां पायेंगे जिसके लिये आमूल परिवर्तन करने की जरूरत तो नहीं है लेकिन मध्य मध्य में उसको संशोधित करने की पर्याप्त आवश्यकता है । मैं चाहूंगा कि सेलेक्ट कमेटी शुरू से ले कर आखिर तक अर्थात् जो पूरा रिप्रेजेंटेशन आफ दी पीपुल बिल है उसको अमेंड करे ।

मैं धारा १० के ऊपर आपका और सदन का ध्यान आकर्षित करना चाहता हूं । धारा १० में यह बात बताई गई है कि अभी तो एक बूथ पर एक ही प्रीसाइडिंग आफिसर नियुक्त किया जाता था, अब अगर एक ही मकान में या एक दूसरे से मिले जुले दो या कई बूथ्स हैं तो आपने इस धारा १० के मुताबिक यह प्रपोज किया है कि वहां पर एक ही प्रीसाइडिंग आफिसर उन सारे बूथ्स की जिम्मेदारी लेगा । इस सम्बन्ध में मैं आपको बताऊं कि बूथ पर इतना अधिक काम होता है और कई किस्म की अड़चनें वहां पर उपस्थित होती हैं जिसमें एक तो यह है कि एजेंट खामख्वाह अपनी खामियों पर जल्दी से जल्दी प्रीसाइडिंग आफिसर के पास जाता है और विरोध प्रदर्शन करता है कि इस ओर से यह खामी की जा रही है और अमुक ओर से ऐसी खामी प्रस्तुत की जा रही है और उसमें जरूरी होता है कि प्रीसाइडिंग आफिसर हमेशा उन

चीजों को देखें और तै करें, इसके अलावा वोटर्स के बारे में यह दिक्कत उनके सामने पेश आती है कि लिस्ट में उनका नाम ठीक तौर पर दर्ज नहीं होता और वह जिम्मेदारी प्रीसाइडिंग आफिसर के ऊपर होती है कि नामों को लिस्ट से ठीक तरह मिला कर बैलट पेपर इशू कराये और अगर हम दो या तीन बूथ एक प्रीसाइडिंग आफिसर के पास कर दें तो उसके लिये यह मुमकिन नहीं है कि वह ठीक तरीके से उन लिस्टों का निरीक्षण कर सके और अपनी सही राय जो विरोध किया जाय, उसके मुकाबले म दे सके । इसलिये यह जरूरी है कि एक बूथ पर एक प्रीसाइडिंग आफिसर रखा जाय ।

मैं आपको अपने अनुभव के आधार पर बतलाना चाहता हूं कि गत चुनावों में लोगों को यह भी नहीं पता था कि बैलेट पेपर बैलेट बाक्स में कहां पर छोड़ना चाहिये । ऐसे पिछड़े इलाके थे जहां स्त्रियां वोट करने आईं, मर्द वोट करने आये, देहाती अनपढ़ आदमी थे, उनको यह ज्ञान नहीं था कि अपना वोट बैलेट बाक्स के भीतर डालना चाहिये या उसके ऊपर रख देना चाहिये, हालांकि उनको कई मर्तबा बताया गया कि उनको अपना वोट बाक्स के अन्दर डालना चाहिये, लेकिन आपके कानों तक भी यह शिकायत जरूर आई होगी कि बहुत से लोग अपने बैलेट पेपर्स बैलेट बाक्सेज के ऊपर रख कर चले गये ।

चीज यह थी कि वहां जो एजेंट मुकरर थे वे चाहते थे कि १०, १०, ५, ५ मिनट के बाद, प्रीसाइडिंग आफिसर के साथ हम लोग भी पहुंचे और देखें कि कितने बैलेट पेपर बाक्स के बाहर पड़े हैं, लेकिन प्रीसाइडिंग आफिसर हमेशा यह कहते थे कि नहीं, आप लोग वहां नहीं जा सकते । प्रीसाइडिंग आफिसर अकेले ५, १० या १५ मिनट बाद, या जब उचित समझते थे, जाते थे । पता नहीं वह बैलेट पेपर किसी इंटरेस्टेड पार्टी के बलेट बाक्स में डालते थे या क्या करते थ कभी कभी कुछ बैलेट पेपर्स को अपने साथ बाहर भी ले आते थे । इसके लिये जरूरी है कि जब भी प्रीसाइडिंग आफिसर बैलेट बाक्स के पास जायें, वह और पार्टियों के जो एजंट हों उनको भी साथ ले जायें ।

दूसरी बात यह है कि एक शिकायत इस बारे में भी आई है एजेन्टों के कहने के मुताबिक कि गणना के वक्त अगर कुल वोटर २०० आये तो कभी कभी ऐसा हुआ कि रजिस्टर में ३०० वोट् दर्ज किये गये ।। इसलिये यह जरूरी है कि जब पोलिंग खत्म हो जाये तो जो लिस्ट हो उसको चैक कर लिया जाय और उस पर एजेंटों के भी हस्ताक्षर ले लिये जायें ताकि किसी को यह कहने का मौका न आये कि जितने सही पोल्ड वोट्स हैं उन से एक भी ज्यादा मत उसमें काउन्ट कर लिया गया है ।

एक शिकायत और भी है, आपने देखा कि विन्ध्य प्रदेश की ट्राइब्यूनल के सामने भी डिमान्स्ट्रेशनस हुये और वह डिमान्स्ट्रेशन बैलेट बाक्स के बाबत हुये । एक डिमान्स्ट्रेटर ने दिखाया कि चिट के लगे रहने पर भी बैलेट बाक्स सुविधाजनक तरीके से खोला जा सकता है, उसमें से बैलेट पेपर निकाला जा सकता है, दूसरा छोड़ा जा सकता है और फिर उसको उसी तरह से बन्द किया जा सकता है । विन्ध्य प्रदेश में जो एलेक्शन पिटिशन्स हुये उन में यही आब्जेक्शन रेज किया गया और उसके बाद रिटर्निंग आफिसर ने पता नहीं एलेक्शन कमिशन की इजाजत ले कर यह कैसे यह तय कर लिया कि बैलेट बाक्स पर कपड़े का बन्धन लगा कर उस पर सील लगाई जा सकती है । लेकिन मैंने सुना है कि बहुत से ऐसे स्थान भी थे जहां लोगों ने चाहा कि कपड़े का बन्धन हो लेकिन उन्हें इसकी इजाजत नहीं मिली । जब इस डिफेक्टिव सील का डिमान्स्ट्रेशन यह सिद्ध

[श्री बी० डी० शास्त्री]

करता है कि यह तरीका गलत है तो यह आवश्यक है कि अगर कोई कैन्डिडेट अपने खर्चे से कपड़े का बन्धन लगाने के लिये तैयार होता है तो उसको इसकी स्वीकृति मिलनी चाहिये । इस विधेयक में इसको स्पष्ट करने में मैं नहीं समझता कि कोई पेचीदगी है ।

धारा १२ में विदड्राल के बारे में मेरा एक सजेशन है । पहले तो यह कि जो समय निश्चित किया जाये उसमें अगर कोई कैन्डिडेट अपना नाम वापस ले लेता है तो अच्छी बात है, लेकिन अगर किसी खास वजह से वह अपना नाम वापस नहीं ले सकता है तब भी उसको पोलिंग डे तक यह अधिकार होना चाहिये कि वह अपना नाम वापस ले ले भले ही नाम की वापसी म जो सिक्योरिटी उसने जमा की है वह उसे वापस न की जाय । ऐसा होता है कि अधिकांश लोग एक से अधिक कान्स्टिटुएन्सी के लिये अपने नामिनेशन पेपर फाइल करते हैं, वह कान्स्टिटुएन्सी काफी दूर होती है एक दूसरे से, एसेम्बली के लिये भी और लोक-सभा के लिये भी और दो या तीन दिन के भीतर कैन्डिडेट यह निश्चय नहीं कर पाता कि मैं इस जगह से एलेक्शन फाइट करूं या उस जगह से । अन्त में विदड्राल की तिथि खत्म हो जाती है और तभी वह निश्चय कर पाता है कि वह फलां जगह से एलेक्शन फाइट करेगा । यहां पर दो, ढाई या पांच सौ रुपये के चले जाने का प्रश्न नहीं है, प्रश्न यह है कि अगर वह एक कान्स्टिटुएन्सी से लड़ना नहीं चाहता तब भी बैलेट बाक्स वहां उसके नाम में चला जाता है और सौ, पचास वोट उसमें पड़ ही जाते हैं । यदि वह बैलेट बाक्स वहां न रखा होता तो वह बैलेट पेपर्स किसी ऐसे सही आदमी को दिये जाते जो उनसे लाभ उठाता । इसलिये अगर इस कारण से उसका बलेट बाक्स वहां न रखा जाये और उसका विदड्राल मान लिया जाय तो, भले ही सिक्योरिटी न लौटाई जाय, मैं समझता हूं कि एक बड़ा अच्छा कदम होगा और इसमें कोई नुकसान की बात नहीं होगी ।

धारा १२ डी के अनुसार चुनाव के समय में भी कुछ कमी कर दी गई है । मुझे इस पर बड़ी खुशी है, लेकिन खुशी इस बात की नहीं है कि जो चुनाव का समय कम किया गया है वह कोई व्यापक रूप रखता है बल्कि इसलिये कि अक्सर यह देखा गया है कि जिस प्रकार से मैढक वर्षा काल में इधर उधर पानी के लिये काफी दौड़ धूप किया करते हैं वैसे ही चुनाव के दिनों में जो थैली वाले लोग हैं, पूंजीपति हैं, काफी रुपये पैसे वाले हैं, वह सोचते हैं कि कौन सा बैकवर्ड एरिया है और कहां मैं कामयाब हो सकता हूं ताकि रुपये के बल से या प्रोपेगैन्डा के बल से कम से कम एक सीट पा सकूं । आपने देखा होगा कि अगर कोई यू० पी० का है तो वह मद्रास चला जा रहा है, मद्रास का है तो वह बम्बई चला जा रहा है, बम्बई का है तो वह कानपुर चला जा रहा है । विन्ध्य प्रदेश में भी कोई कानपुर का इन्डस्ट्रियलिस्ट है तो कोई कहीं का, और रुपयों की थैलियां उनकी पहुंच रही हैं । मुझे अपने विन्ध्य प्रदेश में इसका अनुभव हुआ है कि जो ३० दिन का मौका मिला उस में ऐसे लोगों ने लाखों रुपये खर्च किये, एक, दो नहीं चार, छः या दस दिन पहले से ही सवारियां, ट्रक, जीपगारियां और लारियां दौड़ने लगीं और हजारों आदमी जो उनकी इन्डस्ट्री में काम करते थे, कपड़े की मिल में काम करते थे वह दूसरे स्टेट्स से आये और अपने मालिकों का जितना अधिक से अधिक प्रचार कर सकते थे उतना किया । सवाल यह है कि अगर हम इतना समय कर दें और अपनी निर्वाचन पद्धति को बदल दें तो उससे हमें गलत आदमियों का निर्वाचन करने का कुअवसर नहीं मिलेगा । मैं चाहता हूं कि इसका समर्थ

कुल पांच दिन कर दिया जाये और पांच दिन करने के बाद भी इसमें यह रखा जाय कि किसी भी कैन्डिडेट को प्रोपेगैन्डा करने का कोई अधिकार नहीं होगा । इससे यह होगा कि जो सही आदमी अपने क्षेत्र में पहले से हैं, मेहनत करने वाले हैं, सही तरीके पर अपने क्षेत्र के लोगों की वर्षों से सेवा कर रहे हैं, और जिन पर जनता का विश्वास है, वही चुने जायगे और वह आदमी नहीं चुने जायेंगे जो कि थैली या प्रोपेगैन्डा के बल पर उस कान्स्टिटुएन्सी का ।रा करके वोट्स सिक्योर करने जा रहे हैं । बल्कि बेहतर यह होगा कि रटर्निंग आफिसर को ऐसे पैम्फलैट निकालन चाहियें जिन में जितना भी उम्मीदवार हों सब का नाम, उनका चुनाव चिन्ह और उनका मैनिफैस्टो वगैरह सब दिया हो और जितना समय हो उस से सारी कान्स्टिटुएन्सी में बांटा जाय । भले ही इसका खर्चा कैन्डिडेटस से ले लिया जाय, लेकिन यह तरीका सही आदमी को चुनने का होगा । अगर आप चाहते हैं कि एक परिश्रमी आदमी, मेहनती आदमी प्रदेश की धारा सभा में और लोक सभा में आये तो इसके लिये वह आयत्यश्यक होगा कि आप कम से कम समय रखें और चुनाव में अधिक से अधिक प्रबन्ध रखें । आप देखेंगे कि एलेक्शन कमिशन ने एक रिपोर्ट दी थी कि जितने लोगों ने एलेक्शन एक्स्पेन्सेज सबमिट किये हैं सब गलत हैं । इससे साफ जाहिर होगा कि अनुपात से कहीं अधिक खर्च किया गया है और एलेक्शन कमिशन इस बात को भी मानता है कि आपके पास कोई तरीका नहीं कि आप इसको चैक कर सकें । एक आदमी आज लाखों रुपय खर्च कर देता है, अगर उसके खिलाफ पिटिशन भी दी जाय तो उससे पार पाना मुश्किल होता है क्योंकि हमारे पास तो पैसा नहीं है कि विटनेस बुला सकें और उससे एविडेन्स दिला सकें । फिर अगर हम ऐसा कर भी सकें तो हो सकता है कि हमारे विटनेस को बुलाने से पहले ही १००० रु० की थैली उसके घर पहुंच जाय और वह आने से इन्कार कर दे तो इस तरह की मुसीबतें आती हैं कि हमारे सामने कोई तरीका नहीं है कि हम इन चीजों को रोक सकें । आपने यह तरीका बना रखा है कि एक कान्स्टिटएंसी में २५,००० रु० से ज्यादा खर्च न किया जाय, लेकिन यह सिर्फ आपकी धारा की शब्दावली में ही बनी हुई है । जहां तक में समझता हूं जो खर्च करने वाले लोग हैं उन को आज तक नहीं चेक किया जा सका और इस बिना पर कि उन्होंने अधिक खर्च कर लिया है जितना कि नहीं करना चाहिये, उन को कोई डिस-क्वालिफाई नहीं कर सका है । मैं पूछता हूं कि जो राशि आप ने तय की है यदि उसकी सही जांच कराने का कोई उपाय नहीं तो उस से क्या फायदा है अलावा इस के कि जो गरीब आदमी हैं वह परेशान हों ।

अब एक चीज मैं धारा १४ के बारे में कहना चाहता हूं । इस में आपने यह नियम रखा है कि सेकेंडर की कोई जरूरत नहीं है । वास्तव में कोई प्रस्ताव लाने का एक तरीका होता है कि उसका एक प्रस्तावक हो और दूसरा समर्थक । इस लिये अगर आप सैकेंडर को हटा देते हैं तो फिर मेरे ख्याल में कोई जरूरत नहीं रहती कि आप प्रस्तावक को भी रखें और एक कैंडिडेट जैसे ही एक एप्ली-केशन ले जाये उसे ठीक मान लिया जाये और उसे कैन्डिडेट घोषित कर दिया जायें । अगर कोई चाहे तो प्रस्तावक भी रख लें लेकिन कोई जरूरत नहीं है । जब आप इस रूल को सरल बना ही रहे हैं तो जैसे मैं ने कहा है उससे यह रूल और भी सरल बन जायेगा .....

Shri Pataskar: A proposer is necessary for this reason that supposing the man is ill at the time when the nomination paper has to be filed, then we thought it much better that we might give this latitude that somebody might go and file that nomination.

[Shri Pataskar]

and propose his name. That is the only object why the proposer is kept.

Pandit K. C. Sharma: Yes, proposer must be kept.

श्री बी० बी० शास्त्री : इसमें हमारा बहुत बड़ा विरोध नहीं है । मैं ने सिर्फ एक सजेशन दिया है आप जैसे समझें कर लें ।

अब मैं धारा १७ पर आता हूं जहां आपने रिटर्निंग आफिसर को नामिनेशन पेपर स्वीकार करने के तरीक़े को सरल किया है । पहली बात तो यह है कि यदि रिटर्निंग आफिसर के स्थान पर कोई ज्यूडिशल कोर्ट का एक अनुभवी व्यक्ति रख दिया जाये तो ज्यादा बेहतर होगा और उससे यह सुविधा होगी कि वह इन वैधानिक अड़चनों में काफी गम्भीरता से और गहराई से जा सकेगा । इसके अलावा जो वह जजमेंट देगा वह किसी हद तक निर्णयक हो सकता है । लेकिन ऐसे अफसर को जो हमेशा माल के केस करता है उसके लिये इन सब बातों में जाने में बड़ी दिक्कत पड़ती है और होता यह है कि कई बार गलत तरीक़े से नाम एक्सेप्ट कर लिये जाते हैं और गलत तरीक़े से रिजेक्ट भी कर दिये जाते हैं । इस लिये मेरे ख्याल में अच्छा यह होगा कि इन चीजों का फैसला करने वाला कोई अच्छा विधानज्ञ अधिकारी हो । ज्यादा सुविधा की बात तो यह होगी और मैं आपकी उस एमेंडमेंट की तारीफ करूंगा जिसे आप ने विद्ड्रा कर लिया है और जिस में आपने कहा था कि रिटर्निंग आफिसर जो निर्णय देगा उसकी अपील हाई कोर्ट में होगी और हाई कोर्ट में अपील होने के बाद अन्तिम निर्णय समझा जायेगा । यह एक अच्छा तरीका था क्योंकि लक्ष्य यह नहीं होना चाहिये कि अधिक से अधिक इलेक्शन पेटिशंस सामने आयें, बल्कि लक्ष्य यह होना चाहिये कि इलेक्शन पैटिशंस जितनी कम हो सकें उतनी कम हों । यह तभी सम्भव है जब कि उनकी अपील चुनाव के पहले हो जाये । यह चीज अगर चुनाव के पहले हो जाती है तो सारी दिक्कत दूर हो जाती है और अगर पहले नहीं होती है तो बड़े सरल तरीक़े से लोग नामिनेशन पेपर्ज को एक्सेप्ट कर लेंगे और उन्हें रिजेक्ट नहीं करेंगे और बाद में कठिनाइयां पैदा होंगी । इसका नतीजा यह होगा कि एक आदमी को इलेक्टिड करार देकर के बाद में उसकी इलेक्शन सेट एसाइड होगी और फिर सारी दिक्कतें पेश आयेंगी । तो मैं आप से चाहूंगा कि जो सुझाव मैं ने दिया है यदि आप उसको स्वीकार कर लें तो यह एक बड़ी अच्छी बात होगी । यह जो सारे झंझट हैं यह पहले ही दूर हो जाने चाहियें और अगर आप ऐसा नहीं करते हैं तो इसका यही नतीजा होगा कि बाद में इलेक्शन सेट एसाइड होंगे और फिर उन लोगों का लाखों रुपया दुबारा खर्च होगा, और गवर्नमेंट का भी । दूसरी बात यह है कि एक आदमी जो इलेक्शन लड़ता है और इलेक्शन जीतता है और अगर दर असल जो उसका नाम एक्सेप्ट हुआ या रिजैक्ट हुआ उसमें कोई गड़बड़ी नहीं है और रिटर्निंग आफिसर के न्याय के बावजूद उसकी इलेक्शन सेट एसाइड हो जाती है तो भला उस बेचारे का क्या अपराध है जिस को कि इलेक्शन पेटिशन सेट एसाइड हुई है । आप देखें कि रिटर्निंग आफिसर ने उसके नामिनेशन पेपर को स्वीकार किया था और उसके बारे में अपना निर्णय भी दिया था लेकिन फिर भी उसकी इलेक्शन सेट एसाइड हो जाती है । इस लिये मेरा सुझाव है कि अगर इसको एपीलेबल बना दिया गया तो कम से कम पानी छना हुआ तो आयेगा और इलेक्शन पेटिशंस भी कम होंगी ।

चुनावों में जो रुपया खर्च किया जाता है उसके बारे में मैं कहना चाहता हूं कि आपने एक हद तो रख दी है कि २५,००० रुपये से ज्यादा किसी कैंडिडेट को खर्च

नहीं करना चाहिये लेकिन मैं समझता हूं कि इसका चेक कोई नहीं है और इसका कोई न कोई चेक जरूर होना चाहिये । जो लोग एक या दो लाख रुपया खर्च कर देते हैं उसको चैक करने का तरीका आपके पास कोई नहीं है और जब ऐसी बात होती है तो इस लिमिट को रखने से कोई फायदा नहीं होता है । मैं चाहूंगा कि सिलेक्ट कमेटी इस पर गहराई से विचार करे और जो भी तरीका हो सकता है और जो भी तरीका उसकी समझ में आवे वह निकाले ताकि इस को किसी तरह से चेक किया जा सके ।

ट्रिब्यूनल्ज की बाबत आपने धारा ४७ में तय किया है कि ट्रिब्यूनल्ज विटनैस को रिकाल कर सकते हैं और उससे जो एविडेंस लिया जा चुका है उसकी बाबत दुबारा एविडेंस ले सकते हैं । मेरा सजेशन यह है कि अगर ट्रिब्यूनल्ज अपनी खुशी से किसी मामले को साफ़ कहने की गर्ज से किसी विटनेस को जो एक मतबा आ चुका है अदालत में उसको दुबारा काल करते हैं तब तो मुझे कोई आपत्ति नहीं है । लेकिन अगर एक पेटिशनर की पैटिशन के बावजूद दुबारा वह फिर काल किया जाता है तो यह जरूरी है कि जो प्रतिवादी है, जो डिफेंडेंट है उसको ऐसा अवसर दिया जाये ताकि वह क्रास एग्जेमिन कर सके और रिबट कर सके । जब उसने एक बार एविडेंस दे दिया है तो फिर उसको दुबारा रिकाल करने की जरूरत नहीं है । मेरा खयाल है कि अगर किसी विटनेस को दुबारा रिकाल किया जाये और उसे कोई चीज साफ करने को कहा जाये तो हो सकता है कि उस चीज को रिबट करने की आवश्यकता पड़े और ऐसे मौके पर जब कोई विटनेस रिकाल किया जाये तो जो दूसरा आदमी है उसको भी सफाई का मौका दिया जाना चाहिये ।

कई बार ऐसा भी होता है कि जहां विटनेस बाक्स में एक गवर्नमेंट के अफसर को बुलाने की जरूरत पड़ती है और उस को किसी रिकार्ड के साथ आने को कहा जाता है तो देखा गया है कि अदालतों में ट्रिब्यूनल के सामने पुलिस के अफसर डाकूमेंट पर प्रिविलेज क्लेम कर देते हैं और वह डाकुमेंट आ नहीं पाते जिस का नतीजा यह होता है कि सही न्याय नहीं हो पाता और सही न्याय होने की सम्भावना कम हो जाती है । अगर कोई पुलिस का अफसर किसी डाकुमेंट में प्रिविलेज क्लेम कर दे तो वह डाकुमेंट नहीं आ सकता और उस डाकूमेंट के न आने के कारण हो सकता है कि दूसरे आदमी को फांसी लग जाए । मैं चाहूंगा कि इस बात का निर्णय करना हो कि वह डाकुमेंट प्रिविलेज क्लेम करने लायक है या नहीं, पुलिस के अधिकारी का काम न हो बल्कि यह ट्रिब्यूनल का काम हो या हाई कोर्ट के किसी जज का काम हो ।

Mr. Deputy-Speaker: The hon. Member must conclude now.

श्री बी० डी० शास्त्री : तो मैं चाहूंगा कि अगर कोई पुलिस अधिकारी किसी डाकुमेंट के बारे में अपना प्रिविलेज क्लेम करे तो इस का जो फाइनल जजमेंट दे वह या तो ट्रिब्यूनल दे या कोई जज दे या कोई कोर्ट दे न कि वह पुलिस का अधिकारी दे ।

एक बात मैं ....

Mr. Deputy-Speaker: Now, no एक बात ।

श्री बी० डी० शास्त्री : सिर्फ पांच मिनट और दीजिये ।

Mr. Deputy-Speaker: I have given him sufficient time. I will call upon another hon. Member. It is endless. It is such a big ocean, and anybody can speak.

Shri N. M. Lingam (Coimbatore): The measure before this House is important not only from the point of view of its proximate and direct concern to most of us here, but also from the point of view of the future of democracy in this country.

The world has hailed the last general elections as one of the greatest experiments in democracy the world has ever seen, but we in this country

[N. M. Lingam]

have seen what defects, what obstacles, what bottle-necks we had to encounter in the process of carrying out this experiment.

Before I go into the facts that contributed to the success of this great experiment, I shall deal with the major changes that have been proposed in this measure.

The measure covers the whole gamut of election proceedings, from the publication of the notification to the setting up of election tribunals. I shall deal with the very first changes proposed.

It is proposed that the interval between the notification of election and filing of nomination shall be a maximum of ten days. In my view this interval is quite inadequate. To publish a notification throughout a constituency of seven to eight laks of people is no easy matter. The notification has to reach every nook and corner of the sprawling constituency. It has to be channelled through the heirarchy of the revenue department. So it takes days before the notification reaches every quarter. So I would suggest that the interval between the publication of the notification and the date of nomination should be not less than ten days. This is the minimum even for elections for local bodies. So, it is necessary that this interval should be increased.

I come next to clause 12 relating to the period between the notification calling for election and the commencement of polling. This period is sought to be telescoped in the Bill. My own submission is that at least thirty days should elapse between the date for the publication of valid nominations and the date of poll. It is the experience of hon. Members in this House that anything less than thirty days is very inadequate to contact the electors in the constituency. So, a minimum of thirty days is necessary, though the Election Commission with the best of intentions, has proposed that the interval should be smaller. One of the reasons adduced by them is that the candidates will not be put to heavy election expenses. It is necessary that in the interest of proper education of the electorate and proper facilities for doing propaganda the interval should be the minimum. I would suggest that to be thirty days between the date of publication of valid nominations and the date for poll.

Then I come to grounds on which nominations may be rejected. It is proposed that the question of disqualification should not be the subject matter of decision by the returning officers. It is true that the returning officer cannot be expected to go into the question of fact and law involved in every case where the disqualification of a candidate is involved. But if there are glaring instances where the candidate is suffering from disqualifications it ought to be the function of the returning officer to reject the nomination summarily. If, for instance, a candidate is known to be a man having contractual obligations with the Government, then there is no point in not dealing with that question and leaving it to the other candidate or candidates to fight it in a court of law later on. This is quite an avoidable difficulty and harassment to the other candidates.

Then section 46 of the Act provides for the appointment of polling agents at least three days before the commencement of the poll. This has caused hardship and the change proposed is that there should be no time-limit for the appointment of polling agents and that they could be appointed and that the presiding officer could accept the appointments later.

Then there is the question of declaring a member elected. A simple question like this has created a lot of confusion. The declaration is made as soon as the election is over, but the notification in the Gazette comes

later on. I think the change proposed that the election should take effect from the date of declaration is very welcome. The declaration should in fact be not merely that the candidate is elected, but that he is elected and he shall come into office forthwith. The form of declaration itself should be specified in the rules which should be framed under the Act.

Then there is the question of election expenses. Much has been said about it in this House and it is the experience of most of the Members here that this requirement under the present rules is observed more in the breach than in the observance. Election itself is a gruelling ordeal; to subject an elected candidate, or for the matter of that, even a defeated candidate to this process of submitting the election return in the complicated form required by the Election Commission is very cruel, apart from the fact that it serves no useful purpose. It should be in my view, as simple as possible and here the Select Committee has to rack its brains as to how best it could simplify this process of submitting the election return.

Various doubts have been raised whether the process of computing the election expenses commences with the applicant filing an application to the party for a ticket or even earlier still. A little while ago, the hon. Member Shri N. C. Chatterjee was saying that a person was unseated because he did not include in his election expenses the fact that he had applied for a ticket from a party. So, all these matters require careful consideration by the Select Committtee. There should be no room given later on for the tribunal or the High Courts, to go into this question and decide the fate of members on merely technical grounds. I cannot suggest just now as to how best it should be simplified, but it occurs to all of us here, I dare say, that the form in which election expenses are expected to be submitted is quite cumbrous. It also puts to strain the candidate's code of conduct in that he has to depart on several occasions from what he feels to be the proper thing to do. I would not suggest in this connection that the limit for election expenses should be raised, although on the merits of the case there is nothing repugnant in this proposal. If actually we are to educate the electorate if we have to go to every voter and explain to him about what he has got to do in the elections and tell him that under the new Constitution, sovereignty inheres in him and that he must exercise his vote without fear or favour, the upper limit prescribed in the rules is hardly sufficient. There is nothing wrong in raising the limit or a man showing a higher expenses. But my whole point is that the election figures which are submitted are fictitious. It will be interesting to know the average election expenses incurred by candidates for both Assembly and Parliamentary constituencies. I do not know if the Election Commission has compiled these figures. One hon. Member here was saying that he had incurred an expenditure of Rs. 1000 only. I do not know whether he was suggesting that there should be a minimum for election expenses. But whatever it is, the form in which election expenses should be submitted, and the procedure for doing so should be simplified to the utmost extent possible, thereby causing no strain either mental or moral on the candidates.

I now come to the question of implicating the candidates in election disputes, whether there are multiple seats. The amendments proposed are very salutary, because if in a double-member constituency the candidate for the reserved seat is returned unopposed then there is no point in implicating him later on if the election of the candidate for the general seat is called in question.

Next I come to the big question of election disputes. The Election Commission was taken by surprise that the Supreme Court had to

[Shri N. M. Lingam]

interference in a large number of cases which had been decided by the election tribunals. We can imagine the condition of the Members returned to this House, who have to go through the ordeal of these election petitions, sometimes even throughout the period or term of their membership in Parliament. The changes proposed only touch the surface. In order to avoid delay, it is proposed that instead of three members, there should be only two members constituting the tribunals; and in cases of difference of opinion between the two, the question will be referred to a judge of the High Court who would be appointed in consultation with the Chief Justice. We do not know how in actual practice this would eliminate delay.

My principal point is apart from the time and the processes that the new proposal will take us through, it is important that there should be some finality about the decisions of the tribunal on election petitions. I know that there is article 329 of the Constitution which empowers the High Courts and the Supreme Court to issue prerogative writs. I do not know if it is possible to take away these writs and amend the Constitution. But it ought to exercise our minds that there should be some finality about the fate of these election petitions. Otherwise we will be ruining many a candidate for no other reason than that an opponent bent upon creating vexatious litigation would pursue the successful candidate. I do not know if it is possible to fix a time-limit for these tribunals to dispose of the applications. Even if there is a time-limit, still there is the prerogative of the High Courts. I know that. But no time-limit is contemplated in the amending Bill.

Shri Pataskar: That will not be effective, for article 329 is there, which reads:

> Notwithstanding anything in this Constitution.....
>
> (b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority.....

The Supreme Court has interpreted this in the following manner, namely that this provision does not mean that they have not got the powers to issue writs or to grant special leaves to appeal. So, even if we fix some time-limit for the election tribunals, it will be of no use, for once the writ comes, naturally the whole proceedings have got to be stayed.

Shri N. M. Lingam: I appreciate the difficulty. I am mentioning this only to draw the attention of the Select Committee to this most important point namely that something should be done to give some finality to the decisions in regard to election petition.

Shri Pataskar: The only thing is to amend the Constitution.

Shri C. R. Narasimhan: A legal brain devise any remedy.

Shri Pataskar: You will have to amend articles 139 and 226.

Shri N. M. Lingam: With regard to the participation of village officers, it is common knowledge that village officials are officials, non-officials, men of political influence, and in fact men who play many other roles all rolled into one. It is anomalous that while they are allowed to stand for elections they are not allowed to canvass for elections. My suggestion is that they should not be allowed to stand even for elections, because in the elections, at the lowest level, they play a very important role. They attend to the polling officers, to the election officers and so on; they are identifying officers, and in fact they are everything. So it is not desirable that the village officers

should be allowed to stand for elections in the first place. The position at present varies from State to State. For instance, in Punjab, they are allowed to stand, but in Madras they are not allowed to stand—though, under the Constitution they are allowed, yet under the departmental rules, there are restrictions against their standing for elections. But I would suggest that some uniform procedure should be evolved by which officers of any tinge whatsoever should be completely debarred from standing or canvassing for elections.

Lastly I would say that the Select Committee should examine the other aspects of the two Acts, with a view to seeing that the whole election procedure may be made simple, if our objective is to make elections, as we want to make justice, simple, speedy and inexpensive. At the same time, we have to remember that in a country like India, the constituencies are rather very huge. In UK about 50 million people elect nearly 600 members. But here the same number or even less, i.e. about 500, are elected, by about 300 million people. So, unless we increase the number of Members in the House, the constituency will go on growing.

Shri B. S. Murthy: Stop it.

Shri N. M. Lingam: I am suggesting it for your consideration.

Pandit K. C. Sharma: Control the population.

Shri N. M. Lingam: Then there is the fact that the educational standards of the electorate in this country are comparatively lower. Having regard to these things, we have to evolve a machinery for election which will contribute to the growth of democracy in this country. Of the three limbs for the growth of democracy, we are dealing with election at present. But it is equally our responsibility to see that the electorate is educated, and there are healthy political parties. Unless there is the healthy play of these three factors, i.e. the education of the electorate, the growth of political parties on sound lines, and a proper election law, we cannot have a sovereign parliament which could be the arbiter of the destinies of a great country like ours.

Shri Lakshmayya (Anantapur): I need not say that the two Bills before us are the most important, because they are directly concerned with Parliament and the State Legislatures. I was one of the Members of the Select Committee that was appointed last time to consider the original Bills. We discussed those Bills at great length in that Select Committee, and made many improvements. It is in pursuance of the assurance given by the then hon. Minister of Law that these two Bills are being brought forward now. I am very happy that they are taking the shape after one year.

First of all, I want to compliment the hon. Minister of Legal Affairs for having come forward with a number of suggestions and amendments. Of course, this election is a human institution, and therefore there are bound to be defects. It is in the light of experience gained by Government and the Election Commission that these changes are now proposed. I should thank the hon. Minister for having proposed several changes which are acceptable to the House.

But since we are only referring these two Bills to a Select Committee I do not want to go into the details of the proposed changes. I would only lay down some broad principles and make a few suggestions which absolutely need to be considered by the Select Committee.

At the very outset, I want to refer to section 23 of the Representation of the People Act, 1950. There in it is said that the electoral roll for each constituency shall be prepared every year. I wish to say that the preparation of the electoral roll is really imperfect and unsatisfactory. In the light of experience in the elections

[Shri Lakshmayya]

held recently in Andhra State, I want to cite one instance in this connection. A member was returned by an overwhelming majority in the last election; he was a member of the Madras Legislative Assembly, and after the separation of Andhra he was the member of the Andhra Assembly. He wanted to contest in the elections recently held in Andhra, but to his utter surprise and amazement—and to his regret—he found that his name was not found in the list. The nomination paper was rejected on the ground that his name was not there. The man was there in flesh and blood —the returning officer was there to receive nominations and to scrutinze them but to the surprise of all, his name was not found in the Electoral roll. Of course, where the mistake lies, we all know. Now, an annual revision is proposed. Of course, it is a welcome proposal. Instead of duplication of work and heavy expenditure, the Government have proposed such a very good thing as annual revision. This annual revision will also be for enlisting the names of new voters. But my anxiety is that the officer in charge of revision will do such mischiefs intentionally or inadvertently such mistakes would happen. Therefore, the officers must exercise due care and attention in enlisting new names and revising old ones. What happened in this connection is this. Unfortunately, the wife of the member died. and instead of deleting the name of the wife, his name was deleted. When he went there, to his utter amazement his name was not in the electoral roll with the result his nomination was rejected. It is a thing which happened recently. Therefore, I would request the Select Committee to take note of this.

Mr. Deputy-Speaker: Wife is the the better half.

Shri Lakshmayya: Therefore, provision should be made in this regard. It is a glaring mistake. When such mistakes are found, the returning officer should be empowered to take the initiative and see that his name is included even at a heavy fee and the nomination is accepted. I would request the Select Committee to see that such defects are rectified.

Then I come to section 7(c) relating to disqualification. Even if the agent of the candidate has not submitted the return of expenses, the disqualification would be incurred; disqualification would be caused to the candidate as well as to the agent. For the fault of the agent, the candidate has to suffer. I would cite another recent instance. An agent was appointed only at the eleventh hour, on the day of the election. The candidate had submitted the return of expenses in time. The agent unfortunately went to a place which was far away. There, on account of unavoidable circumstances—I learn his mother had died—he had to stay for some time. He could not come and submit the return of expenses within the time fixed.

Shri B. S. Murthy: How is it that he is quoting only deaths?

Shri Lakshmayya: Unfortunately, deaths occur. Even the other day when we were debating the Hindu Succession Bill, a death occurred in this august House. Death is natural and inevitably occurs sooner or later. So he stayed there for some time; he could not come in time, and he could not send the return of expenses. What is the result? The candidate was disqualified. Already he was returned by an overwhelming majority of 30,000 votes. Then the disqualification ensued. What should he do? He had to run to Delhi and move heaven and earth to see that the disqualification was removed. I request the Select Committee, particularly its Chairman, to take particular interest and see that such things do not recur. I suggest that the powers of the Election Commissioner should be widened; in such cases, he must use his discretion and be liberal and gene-

rous enough to remove such disqualifications.

The next thing I want to say is in regard to section 34 of the Act relating to the amount of deposit. Under section 34, a candidate should deposit Rs. 500 along with the nomination. In my humble opinion, this is a very high amount. Ours is a poor country; a deposit of Rs. 500 is really an enormous amount. I suggest to the Select Committee that it should be reduced to Rs. 300. The candidate for the parliamentary constituency will be already overburdened; even a pie would be a heavy amount for him. Besides, when the deposit amount is fixed at such a high amount, it would be the monopoly of moneyed class and some of the middle class, but not of the poor. The poor also should have an opportunity to contest. In my humble opinion, the deposit amount in the case of a parliamentary constituency should be reduced to Rs. 300 and in the case of a State legislature constituency to Rs. 150. It might be said that everybody will contest, because the amount is very scanty, and it may lead to some unhappy things, and all that. I do not think these grounds are just and reasonable. Even Rs. 300 is a large amount.

Here I would like to make another suggestion. According to the law now, for avoiding forfeiture of deposit a candidate should poll one-sixth of the total votes polled. I suggest that it may be increased to one-fifth or one-fourth of the number of votes polled, so as to make a candidate think twice before entering the arena. At the same time, the deposit amount may be reduced.

Shri C. D. Pande (Naini Tal Distt. *cum* Almora Distt.—South-West *cum* Bareilly Distt.—North): There are people who have been elected with less than one-tenth of votes.

Shri Lakshmayya: That occurs very rarely. Then I would make another suggestion. There is now, of course, a method of voting for the blind people. The blind will be led to the polling booth. The presiding officer would follow him and in his presence he has to cast his vote. Of course, he is supposed to cast his vote in some box. Now, I learn that some unhappy things have happened. A presiding officer who is interested in some candidate or some party may misuse his power and, and it may be put in the box of the presiding officer's choice. To safeguard against that and to see that the intention of the blind is carried out perfectly, some other method should be devised. In my humble opinion, instead of one officer going there, two officers, that is, the presiding officer and the assistant presiding officer could accompany him. If two are there, at least something better would occur. I feel that the principle of secrecy of ballot will not be violated by this system. Some differences of poinion may arise and one officer may fear that the other would divulge it. That is why I say some better method should be devised and the Select Committee should look into it and formulate a better method.

3 P.M.

As I said before I do not want to go into details. But, I would like to say a few words with regard to the appointment of the polling agents, election agents and the counting agents. Clauses 40, 46 and 47 deal with these appointments. I am glad that the appointment of an election agent has been made optional. I had rather a painful experience. The House also knows the other instance which I cited just now. On account of the failure of the election agent, the candidate was disqualified and he had to get it removed. He is now an hon. Member of the Andhra Legislative Assembly.

With regard to the counting agent, I suggest one thing. Now, either the candidate or his election agent or some other counting agent may be present at the time of counting. As the Deputy-Speaker said yesterday, there would be eight lakhs of people in one constituency and the polling would be by about three to four lakhs.

Mr. Deputy-Speaker: Eight lakhs of population.

Shri Lakshmayya: It means at least four lakhs of voters and the polling would be at least two lakhs. Therefore, for counting two lakhs of votes how many people would be necessary? At least 20 to 25 batches would be there and the counting may go on from 7 A.M. to 7 P.M. or even to midnight. What can one counting agent do? He can not be a *sahasraksha* since he has only two eyes, nor make *avadhanam* there. Therefore, I suggest that some maximum number should be fixed. The Select Committee should see that as many counting agents as possible are appointed to watch the counting carefully.

With regard to the election agents, recently we had some experience. At present we have to send the list of the election agents three days before the date of election. Fortunately, that is proposed to be changed and we must be thankful to the hon. Minister for it. Now, we can prepare the list in duplicate even on the election day and present it. The candidate as you are all aware, by practical and personal experience, is already worried and tired. The Select Committee should see that ample facilities are given to him by lessening such unnecessary burdens and worries. There may be technical and legal defects. The Select Committee should see that as far as possible these difficulties and defects are removed and that this Act is exhaustive, comprehensive and self-contained.

Pandi K. C. Sharma (Meerut Distt. —South): Sir,....

Mr. Deputy-Speaker: I will give an opportunity to every hon. Member as far as possible. Therefore they will state their points within 15 minutes.

Pandit K. C. Sharma: Less than 15 minutes, Sir.

I have appeared in many of what are called well contested election petitions. Having gone through the reports of general elections in other countries, I confidently say that these general elections here were fought fairly and freely to an extent of which you will not find an example in any other country—with the least trouble, with great satisfaction and giving opportunity to every class of voters, rather to every voter. There were long queues of village women coming and voting; everybody cast his vote and returned back without any trouble, without any kind of disturbance.

With all the emphasis at my command, I deprecate the allegations made by Shri Kamath and some others that Ministers and others went there and made propaganda and influenced illegally and unduly. Out of the 338 petitions filed, in not a single petition has it been proved that a Minister had exerted undue influence or that any government official exercised undue influence or duress or in any way abused his position. It was a remarkable success the like of which you cannot find anywhere in the world in the history of elections—to the extent to which the Indian voters went to the polls. This is an achievement of which every citizen of India should be proud. Of course, to err is human and here and there, there might have been some mistakes. But, one thing I would submit and it is this. It is not fair to run anybody to the ground. Do you think that any Minister worth the salt, any responsible government servant will act in a way which will cut at the very root of the foundation of good democracy? Democracy must have fair and free elections. It must have an efficient and independent judiciary. If these two great organs of State are not available, then democracy cannot work. No responsible Minister can and dare act prejudicial to this vital principle of the foundation of democracy.

Having said this, I want to bring one major fact to your notice with regard to the working of democracy all over the world. Generally, it is 50 per cent. of the population that are voters and 50 per cent. of them go to the polls. One party can easily get returned 51 per cent. of the candidates or securing 30 per cent. of the 50 per cent. cast, and then rule the country. If 30 per cent. of 50 per cent. votes that are cast are secured then a party comes into Power.

Shri M. S. Gurupadaswamy (Mysore): Forty-seven per cent. is ruling us now.

Pandit K. C. Sharma: You are fortunate to have 47 per cent. What I beg to submit is that it is possible—rather it is the world record—that 15 per cent. can create a majority in the Legislature and that rules the country, as against the 85 per cent. which are either indifferent or are opposing. Therefore, 15 per cent. getting a majority in the House and ruling the country is no democracy at all. Therefore, the only panacea for making democracy working in the real sense of the term is to make it compulsory that every voter should go to the polls and vote.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

My respectful submission is that the present day Government is a welfare State. Therefore, every citizen has the right to claim that the State should provide facilities for the education of his children and certain essential and decent necessaries of life for him. Having made this claim on the State, it is his duty to cast his vote for the Constitution of the Government on which he has a claim as a citizen.

Mr. Chariman: What punishment will the hon. Member provide if a person does not cast his vote?

Shri C. D. Pande: You have to amend the Constitution so that the civl liberty of the man may be curtailed.

Pandit K. C. Sharma: There is some provision in Norway and in one or two other countries of the world, to the effect that voting is compulsory; there is a penal clause to the effect that anybody who fails to cast his vote shall be liable to pay a fine of about Rs. 50 or so.

Mr. Chairman: Food and shelter are not compulsorily provided for in the statute, but everybody is fined Rs. 50 for not casting his vote?

Pandit K. C. Sharma: That is so in the constitutions of two or three countries. It is a fundamental question because it is the only provision which can secure the rule by a democratic government, that is, by the Minister being voted by a majority of voting. Otherwise, the result will be that 10 to 15 per cent. of the voting strength may go to make the government, ruling the country, against 85 per cent. This is not democracy. As I submitted before, 30 per cent. of the full strength, which is ordinarily 50 per cent. of the number of voters can secure a majority of 51 per cent, which means that 15 per cent. of the voting strength can make a government which will rule the country against 85 per cent. either indifferent or opposing.

I am glad that the nomination is made easier and simpler because many of the election petitions have been accepted due to wrong rejection of the nomination. Particularly, in PEPSU we saw the phenomenon that the majority of the members lost their seats on account of the wrong rejection of the nominations of their opponents. Therefore, it would not be possible now for such a thing to happen. This is an improvement and I welcome the amendment suggested by the hon. Minister.

Again, I congratulate the hon. Minister for providng in this Bill that the party expenses would not be added to the sum that is incurred by the candidate so far as his election expenses are concerned. I do not so much worry about the sum or whether it will increase or decrease, but it would

[Pandit K. C. Sharma]

bring in one salutary change, namely, that there will be much more party propaganda rather than individual canvassing. When a candidate resorts to individual canvassing, the thing that will appeal to the voters is caste feeling, religious sentiments and certain other such factors, which are not very desirable ones so far as election for the legislatures is concerned. When a party comes in for propaganda, it puts in the broad questions of policy, the issues involved etc. and, therefore, the electorate is better educated, and it will also have a more salutary effect on the general conduct of elections. The party will be more prominent in making propaganda and conducting the elections rather than the individual candidate. It will again bring in a class of people who are personally averse to the humdrum and turmoil of election business because the party will work for them and they will not be forced to come into this turmoil, which does not suit a class of people who are finely sensitive and highly evolved. It is better if a class of people can come in who can lend flavour to a high standard of working of the legislature, and that is possible by this provision. Therefore, the party will be much more prominent in the elections rather than the individual candidate.

I come to election petitions. My respectful submission is that I do not like special laws for having special procedures or what you call 'judicial procedures'. It is better that the procedure should be the same as prescribed in the Civil Procedure Code, which is the general law of procedure. Why should you say that this name should come in, or these particulars should be mentioned? The particulars that are necessary to make a claim, as envisaged in the Civil Procedure Code, should come in. A man who makes a claim and comes for relief must give the particulars that will entitle him or warrant him the claim of relief asked for. That is enough. What is the use of having clauses 82, 83 and 84, and then saying that the Election Commission can dismiss the election petition? The Election Commission should not be authorised to dismiss such a petition. Let it go to the tribunal and let it follow the procedure as provided under the Civil Procedure Code. Let the candidate have justice and let him have the opportunity to amend any particulars he likes as provided in the Civil Procedure Code. Why do you give the preliminary power to the Election Commission to dismiss a petition simply because the name is left out or a particular is left out? The petitioner does not know the particulars of law and no citizen knows these. He goes to the lawyer. If he makes certain mistakes of this type, the election petition is dismissed. This is a funny sort of state.

Mr. Chairman: Can any election petition be dismissed on account of the fact that certain particulars are not mentioned?

Pandit K. C. Sharma: In Lucknow, in the petitions in which I had the honour to appear, there was one petition against one of the Ministers. Simply because certain names were not given....

Mr. Chairman: Then it means that a necessary party has not been impleaded. My point is whether a petition can be dismissed only due to the fact that certain particulars are not mentioned.

Pandit K. C. Sharma: Supposing certain particulars are not mentioned, there may be a few particulars which might make a strong case for the petition being accepted. How can the Election Commission sit in judgment? It is not a tribunal and it is not constituted of judges. Certain facts might look superficial and may seem entirely unimportant, but before a tribunal it may make what is the crux of the problem. It often happens that what is unimportant and superficial to the layman is very important

to the judge and very important to the man who knows the law. The layman just sees it superficially but the judge goes into the fundamentals of the question. There is a difference in outlook between these two. Therefore, my respectful submission is that no power of dismissing a petition should be given to the Election Commission. All powers of dismissal or acceptance should be vested in the tribunal alone and the tribunal should adopt the procedure laid down in the Civil Procedure Code. On principle I am against these special provisions. Why not the general law come in? What is the lacking in the CPC? Why should not the petitioner be allowed to amend or add the name or some small particulars that are lacking? You give certain rights in cases making claims of money; you give rights to amend under the CPC. Why not this facility allowed in a big thing like the election petition where a candidate is contesting an election. People come and dispute that a man is wrongly elected. You do not allow these rights here whereas in a claim for Rs. 50 or Rs. 100, you allow him to amend his claim in order to get relief. There is no logic or sense behind it.

With these suggestions, I commend the amending Bill and request the Minister to let the Select Committee make any other change in order to ensure an easier and fairer election and minimise the disputes about elections and the unnecessary prolongation of the election petitions.

श्री अजित सिंह (कपूरथला-मंटिडा—रक्षित—अनुसूचित जातियां): पहली बात मैं इलेक्ट्रल-रोल्ज के बारे में कहना चाहता हूं। जैसा कि शिड्यूल्ड कास्ट्स कमिश्नर की रिपोर्ट पर बहस के दौरान में कई भाइयों ने एतराज किया था कि सेन्सस में शिड्यूल्ड कास्ट्स के लोगों के साथ डिस्क्रिमिनेटरी सलूक हुआ है। उस में बहुत से लोगों को शामिल नहीं किया गया। मुझे पिछले इलेक्शन का तजुर्बा है कि बहुत से हरिजन लोगों को इलेक्ट्रल-रोल्ज में नहीं रखा गया। यह क्यों हुआ, इस की ज्यादा डीटेल्ज मैं इस वक्त नहीं बताना चाहता हूं। मैं सिर्फ यह कहना चाहता हूं कि कुछ लोग—कुछ सैकशन्ज, जिन का नाम बताना ठीक नहीं है, ऐसे हैं जोकि सरटेन पार्टीज में इन्टेरेस्टेड होते हैं। वे जानते हैं कि हरिजन कांग्रेस को ही वोट देते हैं और वे किसी और पार्टी को कम ही वोट देते हैं। इसलिये वे चाहते हैं कि इन लोगों के नाम इलेक्ट्रल रोल्ज में न लिखे जायें। साहिबे सदर, मैं मिनिस्टर साहब से बड़ी इल्तजा से कहूंगा कि इन लोगों के नाम इलेक्ट्रल-रोल्ज में फिर से लिखे जायें। इसलिये यह जरूरी है कि इलैक्ट्रल-रोल्ज का रिविजन किया जाय।

एक्ट के सेक्शन २३ में कहा गया है :

"Section 23 of the Act requires that the electoral roll for each constituency shall be 'prepared' every year in the prescribed manner with reference to the qualifying date. In view of the enormous size of the rolls and the expense incurred in the preparation of the first electoral rolls the Election Commission has decided not to attempt anything like a completely fresh preparation of the rolls every year except in a few localities. A house to house enquiry and re-writing of the rolls every year will be unduly expensive and almost impracticable."

मैं कहना चाहता हूं कि इस को थोड़ा आसान कर दिया जाये और हरिजन भाइयों के लिये कुछ न कुछ फैसिलिटी जरूर दी जाय। उन के घरों तक पहुंच कर उन के नाम फिर से लिखे जायें। इस में कहा गया है कि साल के साल यह एनाउन्समेंट किया जायगा कि जिस का वोट नहीं बना है, वह अपना नाम दर्ज कराये। मैं अर्ज करना चाहता हूं

[श्री अजित सिंह]

कि गांव के लोग तो पहलें ही बहुत अनपढ़ होते हैं। कास्ट हिन्दूज और बड़ी कास्ट के सिखों को भी यह पता नहीं होता कि कब वोट्स बनते हैं, कहां बनते हैं और कौन बनाता है और हरिजनों को तो इस बारे में कुछ भी मालूम ही नहीं होता है।

दूसरी बात यह है कि वोटिंग के वक्त हमारे साथ बड़ा जुल्म होता है। हरिजन भाई वोट देने के लिये कांग्रेस कैम्प में जाते हैं। गांवों में कुछ लोग ऐसी मैन्टलिटी के होते हैं कि वे कांग्रस की तरफदारी नहीं करते। मुझ अपनी कांस्टीच्युएन्सी का एक इन्सिडेंट याद है। हरिजनों ने कांग्रेस को वोट दिये। वे लोग लैंडलेस होते हैं और न उन के पास मकान होते हैं। जब वे लोग, उन के बच्चे और उन के मवेशी खतों को जाते हैं, तो जिन लोगों के पास जमीन होती है जराये होते हैं, व उन को बाहर नहीं निकलन देते। शिड्यूल्ड कास्ट्स वाले लोग कहते हैं कि हमें गवर्नमेंट ने यह हक दिया है कि हम अपने वोट को आजादी से इस्तेमाल करें। इस के जवाब में जमींदार लोग यह कहते हैं कि हमें भी इस बात का हक है कि हम आपको अपनी जमीन पर न आन दें और आप के मवशियों को वहां न चरन दें। इसलिय यह जरूरी है कि एक्ट में कोई न कोई प्राविजन रखा जाय कि इस किस्म की रेस्ट्रिक्शन्ज न हों और शिड्यूल्ड कास्ट्स और हरिजनों को इतनी तकलीफ न हो।

तीसरी बात यह है कि इलेक्शन्स के वक्त पुलिस आफिसर्ज बहुत ज्यादा इन्टरफीयरेन्स करते हैं। वे खास कर डाकुओं और इनफ्लुएन्शल आदमियों के जरिये गरीब आदमियों पर रौब डालते हैं और उन पर नाजायज मुकदमात चलाये जाते हैं। मैं ने इस किस्म के कई इन्स्टान्सिज देखे हैं। मैं मिनिस्टर साहब से दरख्वास्त करूंगा कि वह इन दो तीन बातों की तरफ तवज्जह दें। आपका शुक्रिया।

श्री जयपाल सिंह (रांची पश्चिम—रक्षित—अनुसूचित आदिम जातियां) : मुझे बहुत हर्ष है कि हमारे नौजवान दोस्त सरकार के मालिक और प्रतिनिधि बने हुए हैं, और जो एक दो बातें मैं कहूंगा, उन को शायद वह लिख लेंगे। वह कानून मंत्रालय के मंत्री नहीं हैं, यह मैं अच्छी तरह से जानता हूं, मगर मैं बहुत खुश हूं कि वह एक दूसरे मंत्रालय में चले गये हैं और मुझे पूरी आशा है कि वह बहुत दिनों तक वहीं टिके रहेंगे। लेकिन साथ ही मैं उन से यह अर्ज करूंगा कि वह कानों में तेल डाल कर न बैठे रहें और सो न जायें, क्योंकि जो कुछ मैं कहता हूं और जिस इलाके और वर्ग की मैं बातें करता हूं, उस के सम्बन्ध में बहुत कम माननीय सदस्यों को परिचय है।

हिन्दुस्तान में यह एक बहुत बड़ी बात की गई, जब कि हम लोगों ने तय कर लिया और विचार कर लिया कि यहां के हर एक नौजवान को अपना मत देने का अधिकार दिया जाये। यह एक बहुत भारी बात थी। हम लोग छः हजार बरस तक ब्राह्मणों के गुलाम रहे।

श्री बी० जी० देशपांडे (गुना) : अभी तो आठ साल हुए हैं।

श्री जयपाल सिंह : इस ब्राह्मणबाजी के कारण ही, जोकि हमारे मुल्क में इतनी देर तक चली, हमें अभी तक यह अधिकार नहीं मिला था। ये ब्राह्मण तो कल परसों ही यहां आये हैं, पर हम इन के पैदा होन से छः हजार बरस पहले यहां पर थे। ये अपन को ब्राह्मण कहते हैं, मगर यह हिन्दुस्तान की एक बदतमीजी की बात है। मुझ यही

कहना है कि जो गणतंत्र, जो जनता का राज्य हम ने हिन्दुस्तान में लाया है, वह अभी पूरा नहीं हुआ है। अभी तो अखंडित हिन्दुस्तान है। मैं तो अखंड हिन्दुस्तान वाला हूं। हम नहीं चाहते कि हम कांग्रेस पार्टी के गुलाम बन कर मुल्क को बिक्री कर दें और जनता राज्य की बात करें। कांग्रेस पार्टी को कहां से ऐसा हुक्म मिला या कहां से ऐसी शक्ति मिली कि वे हिन्दुस्तान को बेच कर दो टुकड़े कर दें। हमारा मुल्क दो टुकड़े हो गया यह सही बात है। हम तो आखिर तक, जब तक हम में सांस है लड़ेंगे कि हिन्दुस्तान फिर एक हो जाय।

इतना कह कर, सभापति जी, मुझे यह कहना है कि हम ये फिजूल बातें न करें, कि जनता राज्य यां गणतंत्र वगैरह वगैरह। मैं सरकार को इसीलिये धन्यवाद देता हूं कि वह यह संशोधित कानून ला रही है, ताकि जो कुछ हमारे सामने है उस में एक प्रकार की प्रगति हो। हम सब जानते हैं कि चुनाव एक अजीब बात है। हमारे माननीय दोस्तों ने बहुत कहा कि हमारे प्रधान मंत्री के लिय विशेष गाड़ी चलती है वगैरह वगैरह। मैं उन से यही अर्ज करूंगा कि अगर वह उधर होते, उस गद्दी पर होते, तो उन के लिये एक गाड़ी के बजाय दस गाड़ियां चलतीं। तो अगर हमें हार खानी है तो हम हार खाते हैं। उस को हमें स्वीकार कर लेना चाहिये, यह जनता राज्य की बात है। बहुत सी ऐसी बातें हैं जो हमें पसन्द नहीं आतीं। अभी हमारे दोस्त वहां प्रधान मंत्री की जगह बैठ हुए हैं, यह बात हमें पसन्द नहीं आती, वह जनता राज्य की बात नहीं है।

संसद-कार्य मंत्री (श्री सत्य नारायण सिंह) : आप कहें तो मैं उठ जाऊं ?

श्री जयपाल सिंह : इसी तरह से जिन माननीय मंत्री को यह कानून पारित कराना है वह यहां मौजूद नहीं हैं, यह शर्म की बात है। यह जनता राज्य की बात नहीं है। आप को जनता राज्य चलाने की अक्ल नहीं है, आप नहीं चाहते कि जनता राज्य यहां हो। जनता राज्य तभी हो सकता है. . . । सभापति जी, यदि आप मुझे अनुमति दें तो मैं कुछ अंग्रेजी में कह दूं।

What does democracy mean? It ensures that the minority voice shall be heard. I am tired of hearing from the other side: "The country has sent us here". You have polled only 41 per cent and you call that democracy? Forty one per cent or call it 49 per cent, but it is not 51 per cent and you say you have been sent here to rule the country. I think it is time you produced new dictionaries to define the word 'democracy'. Sir, let us be honest with ourselves. I think it has been a courageous thing and something for which I must congratulate the Congress Party—I know my friends on this side do not seem to have much to say in favour of the Congress Party—for the very very brave decision they took about adult franchise. It is a very big thing. We have often talked about our being a democratic country but with sacerdotalism there can be no democracy. I say, let us be honest with ourselves. I know, when I talk of Brahmanism my friends may say Brahmanism is not conterminous with democracy. But, what do you mean by democracy? It is 'equality'. Does Brahmanism fit in with 'equality'? Please do not talk of your glorious past. I do not want to talk of my glorious past. I know what the invading hordes have done to the Adivasis, the most ancient aristocracy of India. I know what the new comers have done. They who have produced millions and millions of serfs talk today of democracy. I ask them: "Go to the *Adivasis* and they will teach you democracy."

Sir, having exhausted my invective may I go back...

Mr. Chairman: I was just going to ask the hon. Member to speak about the Bills.

श्री जयपाल सिंह : मैं आप को बहुत धन्यवाद देता हूं कि आप ने मुझे एक रास्ता दिखाया । वह रास्ता यह है कि हमारे पश्चिमी बंगाल के माननीय सदस्य श्री चटर्जी ने जो बहस की है उस का मैं समर्थन करता हूं । सवाल यही है कि यह जो सिलेक्ट कमेटी बनी है उस को पूरा अख्तियार दिया जाये कि जो भी सवाल उस के सामने पेश किया जाय उस पर वह विचार कर सके। यह केवल कानून और आईन की बात नहीं है । हमें मुल्क को बढ़ाना है । जनता राज्य हम ने स्वीकार कर लिया है, इसलिये जनता राज्य को लाने के लिये हम जो कुछ कर सकते हैं करें । आईन और कानून, वकील और वकालत ने हमारे मुल्क को बरबाद किया है । सभापति जी, आप मुझे क्षमा करें क्योंकि आप भी एक वकील हैं । हम जानते हैं कि आप नाराज होंगे यदि हम यह कहें कि आदिवासी इलाकों में एक भी वकील नहीं होना चाहिये । यदि आदिवासियों को किसी ने दबाया है तो यही आप की जाति ने दबाया है ।

Mr. Chairman: Fortunately, the Legal Practitioners' Act is not under discussion. We are only discussing these two Bills.

Shri Jaipal Singh: Sir, we are producing so many laws. May I just tell you that in 1946 I was not a voter? I was not in the electoral roll when the rolls were being compiled. I had to go to a Sub-Divisional Officer. He asked me what my qualification was. I said I was a matriculate. He asked me for the matriculation certificate. At that time I was staying in the great industrial city of Jamshedpur which was about 100 miles away from my sub-divisional headquarters. I had to go there for my enrolment. The Sub-Divisional Officer asked me to produce the certificate. For my sins I did not matriculate in India but somewhere else and that also was 20 years before. I told the Sub-Divisional Officer all these things, but he said: "No, you must produce your matriculation certificate." Then it certainly occurred to me that I had been a member of the Indian Civil Service and I could not have been a member of the Indian Civil Service unless I was at least a matriculate. Then he said: "All right, you should produce evidence."

Shri Pataskar: When did that happen?

Shri Jaipal Singh: If my friend will have a little bit of histrionic sense I think he will be able to conduct things in a better way.

Then the Sub-Divisional Officer said that the evidence must be hung up in the Thana for 10 days. So, again I had to go back a hundred miles to Jamshedpur and come back. Then my great satyagrahis on the other side, at the end of 10 days pointed out: "Yes, he may be an eligible elector, but is he an Adivasi?" So, I was asked to prove that I was an Adivasi. It is very difficult to prove one's paternity. I am just giving an instance of what happened to me. Then, there was a sitting Member in the Council of States, again an Adivasi. At the last election she was disqualified because her name was not in the electoral roll. These are the sort of things that are happening.

All that I say is, if we are really serious about democracy—and I think India has a tremendous future in democracy—let us be honest with ourselves. What about these disqualifications and other little things? If you do not keep your accounts this or that way you are disqualified. Let us be genuine in our endeavour in this march towards democracy because we have at the present moment a really good man, a good chap who means well. He may be in bad company and he is Shri Jawaharlal Nehru. He is in bad company on the

other side, but he is a genuine, a good man and he does bring credit to our country. It is no good trying to deceive ourselves and saying we are democratic. That party has not been democratic as far as I know. I know you, Sir, feel a bit upset when I talk like this. But what I am trying to say is this: that the only way to be democratic is, I think, in my view, to be liberal, to be generous, apart from the other point of view. I feel somehow or other—I do not know whether it is in this Bill or not —that the only way of having democratic representation in the legislatures is proportional representation. I do not know whether it is in this Bill or not, I do feel it may be a very difficult thing to execute, but as far as I am concerned and my colleagues, that is, the *jungiis*, and the *girijans*, and the Adivasis as you call them, are concerned, their reaction to this adult franchise has been the best in this country. You look at the report of the Election Commission. It is in the tribal areas that there has been the best response and the best behaviour. It is the so-called educated fellows in the urban areas who create all the trouble. I know of instances where people have filed up serially and voted in the villages. There has to be discipline in this country. We may lough at proportional representation and say: "No, we have not reached that stage yet". But I think we have to think about this question very seriously.

I have one more point to make but I feel that in my endeavour to make a speech in Hindi I may have gone off the rails. I am thinking not only of us who are in this great land of ours but there are literally millions of Indians abroad. Take the case next door—the case of Ceylon. There, the problem of franchise is a very tricky one. Elsewhere also, it is so. I know that the armed forces have got the right to vote. It is my considered view, my considered opinion, that Indians, wherever they are, so long as they have not the franchise anywhere else, should have the right to vote at our elections. I know it will not be a simple matter, but there are countries like the United States of America, Great Britain and so forth, whose nationals, wherever they are, are enabled to vote for the candidates whenever there are elections. That is rather an important point.

Finally, I would like to have real democracy in this country. I do not like the idea of the *thana* being the polling place. Somehow or other, we do not trust ourselves. Since independence, we have tried to translate our ideas of democracy in a very peculiar way. Many Members have referred to the village *chowkidars* and so forth. Why cannot the polling take place in the village itself? Why not? I think this is something worth while considering very, very seriously. Certainly in regard to the tribal areas there will be no hocus-pocus. It is only when clever, half-educated and half-baked lawyers come into the picture that we get all the trouble. Mahatma Gandhi has reminded us *ad infinitum* that India is a country of villages. Any pattern that we try to evolve legally should have relation to the village economy of this country.

जब भी उन को मत देना हो तो गांव में क्यों न दें और वोट देने जाने के लिये उन को ५, १० और १५ कोस पैदल क्यों चलना पड़े और इस में होता यह है कि आप के दोस्त जो उधर हैं, वे इन को दारू वगैरह दे करके वहां पहुंचाते हैं। हमें इस प्रश्न पर अच्छी तरह से विचार करना चाहिये कि अगर मत देना है तो वे अपने गांव में ही जहां कि पंचायत है, वहां अपना मत क्यों न दें और यह जो आप एलेक्टोरल रोल्स बनाते हैं, लाखों रुपये आप खर्च करते हैं उन को छपवाने पर, तो मैं पूछता हूं कि उन के छपवाने की क्या जरूरत है ? क्या गांव में लोगों को मालूम नहीं है

[श्री जयपाल सिंह]

कि कौन कितने वर्ष का है और किस कीमत देने का हक है और किस को नहीं है। मैं पूछता हूं कि अगर आप को ग्राम पंचायतों पर विश्वास है तो यह जो करोड़ों रुपये आप खर्च कर देते हैं, एलेक्टोरल रोल्स छपवाने में उस की क्या जरूरत है ? मैं आप से यही विनय करता हूं कि आप भगवान के लिये, अल्लाह के लिये, यह जो करोड़ों रुपये आप व्यर्थ में फेंक रहे हैं, आप उन को न फेंकिये। गांव में जो चौकीदार होता है वह सब गांव वालों को जानता है और वह यह भी जानता है कि किस को मत देने का हक है और किस को नहीं है और किस की कितनी उम्र है इत्यादि ; मगर खेद के साथ कहना पड़ता है कि आपको गांव पंचायतों पर विश्वास नहीं है, आप तो पूंजीपतियों की बात रखते हैं जिन के कि थैले में ज्यादा पैसा है। और आप लोग चाहते हैं कि यहां पर वे ही लोग आयें। मैं अपने इलाके की बात कह रहा हूं जहां कि एलेक्शन के वक्त लोगों की हमारे दोस्तों को तरफ से बताया गया कि देखो यह गांधी जी का बक्सा है, मुझे इस बात का अफसोस है कि गांधी जी का नाम मुझे लेना पड़ रहा है, लेकिन मैं आप को बतलाऊं कि वे आप के ही साथी थे जिन्हों ने लोगों को कहा कि देखो यह गांधी जी का बक्सा है, इस में वोट डालोगे तो वृक्ष भी काट सकोगे, और बैल गाड़ी में मुफ्त बैठ सकोगे और भट्टी में जा कर मुफ्त में दारू पी सकोगे, यह सब प्रचार होता है। हमारे दोस्त उधर बैठे हुए हैं, अगर मैं कुछ गलत कहता हूं तो वे खड़े हो कर इन्कार करें।

श्री सत्य नारायण सिंह : इस दुनिया में इन की बातों को कोई इन्कार नहीं कर सकता है।

श्री जयपाल सिंह : मैं यही कहना चाहता था कि ऐसा कानून बनाइये कि जो भी व्यक्ति हो, चाहे वह पोलिंग एजेंट हो, एजेंट हो, या उन के वर्कर्स हों, अगर ऐसी ऐसी बातें कहें तो उन को कालेपानी भेजा जाना चाहिये।

यह जो एलेक्शन एक्सपेन्सेज की बात उठती है, तो मैं भी जानता हूं कि क्या होता है और आप भी बखूबी उस को जानते हैं। मेरा तो इस सम्बन्ध में कहना यही है कि जनता राज्य में टैक्निकैलिटीज नहीं होनी चाहियें। मैं पहले ही कह चुका हूं कि मैं एलेक्टोरल रोल्स बनाने की कोई जरूरत नहीं समझता और अगर आप गांवों में ही मत देने का प्रबन्ध करें तो करोड़ों रुपया आप का बच जायेगा। आप को पोलिंग एजेंट की कोई जरूरत नहीं है। सरपंच वहां पर हैं, वही सब लोगों के सामने जैसा कि स्वीटजरलैंड में कैन्टोन्स में हुआ करता है, आप खुद जानते हैं कि वहां पर हाथ उठा कर के फैसला होता है, इतनी हिम्मत होती है कि सब के सामने वह अपनी राय प्रकट कर देते हैं। हमारे दोस्त जो यहां पर बैलेट की बात करते हैं तो मैं उन से कहता हूं कि यह बैलेट क्या चीज है और उस को आप गुप्त क्यों रखते हैं ? अगर मैं आप को चाहता हूं तो क्यों नहीं मैं सब के सामने हाथ उठा कर दुनियां को बतला दूं कि मैं आप को चाहता हूं। मेरे विचार में असली जनता राज्य वही है।

सभापति महोदय, मुझे कहना तो बहुत कुछ था, मैं ने हिन्दी में अपनी बात कुछ कहने की कोशिश की। मैं आप को धन्यवाद देता हूं कि आप ने मुझे बोलने का अवसर दिया।

Shri Raghavachari (Penukonda): I just want to deal with a few outstanding problems connected with the elction law. Before dong so, I would respectfully ask for the consideration of the Government as well as of this House as to what happened to the results of the prolonged deliberations and labours that were invested upon a Bill previously which was the subject-matter of a Select Committee's consideration. The reason at that time was that it was only concerned with a few aspects of election law and that they wanted to have it urgently before the elections in Travancore-Cochin and other places were held. But in spite of all these deliberations, the very conclusions which the Government arrived at from its experience of the previous General Elections have conveniently

not even been referred to in this Bill. I would particularly like to refer to the programme of elections. In the elections, the most important thing that generally leads to litigation is—it has also been the experience of the Government during the last elections—that many election petitions are filed because of the improper rejection or acceptance of nomination papers. So, they were very anxious to find a solution that did not really necessitate the whole election being set aside, long after the election was held and after thousands of rupees had been spent. So, they were anxious that in future the rejection or acceptance of these nomination papers should be entrusted to be decided by a body which would do the thing fairly satisfactorily, infusing confidence in the people concerned with the elections and also quicken the proceedings. I am surprised that all those clauses of that Bill, particularly clause 17 which referred to some amendments proposed to section 36 and the addition of a new section 36A, have been forgotten. The whole procedure, which after a good deal of deliberation the Select Committee unanimously recommended—I take it that it was with the agreement of the Government also—has entirely been neglected in this Bill. I wish to submit that this is one of points which the Select Committee should take into consideration. The labours and opinions expressed previously should again be considered and really some clauses must be included in this Bill which would effectively provide for a satisfactory settlement of these matters at an early stage. Not only have the Government not referred to those conclusions, but they now propose, that but for certain very minor objections with regard to disqualifications which are apparent on the face of it, all the rest may be left over, it is specifically provided like that—to be decided later in election petitions. We know, if many of these matters are to be decided in election petitions, what an amount of State money as also the private money of the candidate will have to be spent and how unsatisfactory the whole thing will be. So, I would earnestly suggest that the Select Committee do consider those provisions which were made before and incorporate them here in this Bill.

As now proposed, they want to reduce the period of the tension of the election from 42 days to 30 days or something like that. By this process of an intermediary agency for settling the acceptance or rejection of nomination papers it is quite possible that the period of election tension would increase. But to my mind it looks that one or two weeks of extension is certainly necessary to spare ourselves the complications and the possible future waste of labour involved therein. Therefore, I beg to submit that this point also may be considered by the Select Committee.

I shall confine myself to two or three important points. Take, for instance, the question of ceiling election expenses. I find that for the first time this election law is introducing a ceiling on expenses. My experience may not be very much, but I find that in the local boards, elections etc. this kind of ceiling is not there and yet we are getting on in this country with elections fairly well. Now we have provided this ceiling on election expenses. I will just refer to the details. They started with a ceiling on election expenditure and in these few years the experience of the Government and the experience of the country has been that this ceiling is found to be very unworkable, unsatisfactory and unreal and often, if I may be pardoned for saying so, found certainly incorrect, not to use the word 'false'. We all know how these expenses are incurred. Even the Supreme Court has referred to this in a number of cases. If a candidate employs a man, you say it is his election expense. But if his grandfather or brother-in-law employs a man, it is not his election expense.

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The amount is capable of being included or excluded from the election expenditure of the candidate. Not only that. In the present Bill it is provided that monies spent by recognised parties will not be considered as election expenditure at all. The difficulty which the Government felt and which the Minister of Legal Affairs expressed yesterday was that when the party spends say Rs. 50,000 for the election of one Parliamentary Member and 4 Members for the State Legislature, the portion to be allotted to any particular candidate must be arbitrary. Therefore, hereafter they say that there should be no inclusion of this amount in the ceiling. The party which is in power can provide crores of rupees and the candidate who has the good fortune to stand on behalf of that party will have a big purse at his disposal. But what about independent candidates? Let us consider what a discrimination it makes. If I am unfortunate to stand independently or on behalf of a party which is not recognised, I cannot spend that quantum of money which can be spent by a candidate standing on behalf of a recognised party. Is this not discrimination? It will be much more honest, in my opinion, to make a law which says that no candidate shall stand for election, unless he stands on behalf of a recognised party. This sort of discrimination, is not, to my mind, justified. About this question of ceiling, as I said, abolish this ceiling on election expenditure. Along with the ceiling go all the other responsibilities like submission of accounts and so on. Even the Government have now felt that returns need not be submitted in a particular form; and that it is enough if some kind of account is given. They have found that many of these accounts are cooked up accounts for submission later, let me say, incorrect accounts, to keep it within the limits permitted. It is unreal. I think, you Sir, used the words, it is putting some kind of burden, an uneasy burden, on the conscience of people if there is something left still in them. For those who have none, they can say anything; if they had spent Rs. 25 lakhs, they may say Rs. 10,000 only. To my mind, it seems that we should not encourage or demand a thing which every one of us knows to be unreal. You may have omitted many things, it is not complete. Why make this farce and say, there is a ceiling, there are consequences of non-submission of accounts?

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Let us take up the disqualification involved in not submitting these accounts. The rule was that all candidates who have filed nomination papers should submit their accounts. The Election Commissioner has found that hundreds of them have not submitted. Therefore, he had to disqualify all these people. Then such of them as had the commonsense applied and the disqualifications were removed. Another Gazette notification had to be issued and so it went on. Now, it is said that it is impracticable and therefore only those who are validly nominated need submit accounts. In other words, in your own experience, stage after stage you found that the restrictions that you have prescribed are things which are impracticable and unreal. Then, suppose my account is incorrect and my agent has omitted to mention something. Or, there are numerous people employed and there is some expenditure and some mistake has occurred. The disqualification is, you cease to be a Member of Parliament or of a legislature. You cannot stand again for 6 years or 5 years. What is the offence? Even the worst criminal is not punished like this. The consequence of a rotten requirement that you have insisted, knowing full well that it is unreal, that it is impracticable, is that one has to suffer. Let us be honest and, say, we will not have these provisions regarding election expenses, this ceiling, etc.

Fortunately, the power to remove this disqualification is left in the hands of the Election Commissioner. I feel that this is right. After all, he may use his discretion and exempt many people where he finds that there are mistakes and not really involve the candidates in moral turpitude. As I said, I feel that the provisions relating to election expenses may safely be omitted in the interests of easing the conscience of people who have still something left.

In addition to what I said about the machinery required for finalising as far as possible the acceptance or rejection of nomination papers, I have only to make a few observations about the election tribunals. Government have by experience found that the existing tribunals have contributed to the delay in the disposal of these election petitions. I wish the Government had given us more particulars to make us judge whether it is the presence of the third member who, I call, is an independent member, that is the cause of these delays. I call him independent because, he is neither a district judge nor a retired district judge or a retired High Court judge—these were two—he is an advocate or some independent man. I ask whether in all these cases, the delay was due to the fact that there was a non-official member on the tribunal and there was an adjournment of the case because he could not come. Or is it your district judges or retired people who said that they could not come and therefore, it was held up? You quietly say, we will omit one of them and we will have only district judges in office. To my mind, there seems to be some suspicion that you are attempting to take away this independent association of an outside gentlemen from the agency of the tribunal. If you really do not want to have an independent tribunal, I would even submit that it would be much better if you make these election petitions to be enquired into by a district judge, and provide an appeal to the High Court. It will solve all the problems once for all. Why this provision for two people and if they differ, then a reference to the High Court? That may be done in a regular manner. Possibly the argument will be that the election tribunal must be an independent body and should be free from State interference. We all know that the country has the greatest confidence in the judiciary rather than in these tribunals. No doubt, technically under the Constitution, it may be an independent body. Your own district judges come here. What is their independence? They always depend on you. It is much more healthier and much more honest to say that we will have a district judge and there will be an appeal to the High Court. What some Members have submitted is that the Supreme Court under article 136 and the High Courts under articles 226 and 227 interfere in these matters and therefore there is not much purpose in these tribunals. We know that these writs of *certiorari* etc., are mostly in cases where jurisdiction not vested is exercised or jurisdiction vested is not exercised or is wrongly exercised or there are patent or clear cases or manifest cases of error. Therefore, jurisdiction is very very limited. Therefore, these provisions regarding tribunals must be amended by providing appeals.

Then, I come to the provisions regarding public servants and their interference. I do not mean to say that as a result of this amendment, all public servants, particularly village officers and others will begin to convass hereafter. But, that is perfectly permissible. In section 123, the old explanation was that the *patwaris, karnams*, etc., shall not be exempted. Now, you have permitted the State Governments to exempt these people. It does not mean even now that the State Government must exempt them or that the State Governments will exempt all village officers

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and permit them to canvass. But, is there anything in the law to prevent the Government from doing that? That is possible. Therefore, you see how the new Explanation is objectionable as Shrimati Renu Chakraartty submitted also. The notes on this clause refer that this provision has been found unworkable and therefore you want to exempt so that public servants can go on doing propaganda. It becomes most unfortunate. But, even as it is, people here are complaining that the Government and its machinery is being utilised, some say unduly and unjustly. Our friends opposite get angry and they say it is 'mean' as somebody wanted to call it. It is not a question of mean or high; it is a question of reality. I would mention only one thing. How many of us have not seen this? When the party in power stands, you find the whole machinery of the Government works, very smoothly as if it was greased cent percent. But, the point so far as I am concerned will be this. Even suppose you won't allow Government servant; suppose a public servant's wife stands as a candidate. The public servant is a very powerful fellow. In the very place where he is a public servant, his wife is a candidate.

Shri S. S. More: That has happened.

Shri Raghavachari: I do not know. I am making a supposition. We are aware of the influences. You may ask, has somebody proved any case of undue influence. I would ask this question. There are 100 murders in my district every year. Sixty of them are not established, and, therefore, are there no murders? Therefore, simply saying "Have you established in a court of law that there is undue influence?" does not mean that there is no undue influence. It is difficult to establish it. Therefore, I say there is this undue influence when a near relation of a public servant stands in a place where he is an officer. We might suggest that where a public servant has a sway or influence, his relation or wife, or her husband, cannot stand in that very locality but elsewhere, but it may be objected to on the ground that he or she must have a right to stand in a place where they have some influence and therefore it may be against the Constitution. To my mind it looks to be a difficult thing, but still, as we did in the company law—for the relation or near relation of the managing agent something we did—if you make some kind of a definition here that "public servant" includes his wife or some other relation or a near relation, I think we might try to solve this difficulty. I would mention that and then leave it there.

Then, the other thing I want to submit is as regards the date on whch the election, or the result of an election petition is to take effect. There is some amendment that is proposed. Well, we know that oftentimes there are some difficulties The moment the result of an election is notified, the man is supposed to be a Member of this House. I had even to raise a point of order when Shri Kamath's case came here. "It has not yet been reported here, so we do not know" came from the Chair. I said: "Under the law there is no need to send any such notification here, and he is a Member. You have deprived him of his right to participate today." The next day, of of course, and even that very day after lunch, he was called, but our friend had gone away. That is one difficulty which is cleared, I am glad.

What about election petition results. There is now need for Gazette notification. We all know they stop the issue of notification, go to the Supreme Court. I may not favour that, I perfectly agree. So, these election petitions are pending and therefore you cannot remove the man. The moment the election petition result is announced, the man ceases to be a Mem-

ber. Let us take that as we have proposed. What would be the consequence? He can, in spite of that judgement on the election petition, go to the Supreme Court and the High Court. He has still got that right. But undoubtedly you will immediately dislodge him from his position, and the next thing is to order a bye-election, and then you spend your money, Government money, public money, others spend their money, we are all busy with the next election, and another man comes here by election. The Supreme Court takes 1½ years to decide the case, and meanwhile the new man has come here and the Supreme Court allows the appeal. What is to happen? The man here will have to be sent out then and the old Member will have to come in. I am only saying this leads to this inconvenience. Therefore, I would suggest that the moment an election petition judgment is pronounced, give a month's time or some time for him to go to a higher court and then if he has not committed any major corrupt practices immediately he may come here. They have also provided amendments now that if anything has been done by that particular Member participating, it is not illegal. There is some doubt in article 102 or so, so they have provided for it.

Finally, I have to say another thing. That is about these symbols. I have found some difficulty in the matter of these symbols. What happens is the Election Commissioner has reserved particular symbols to particular parties, all-India parties, and he has also reserved some for State parties. The other people who come have a long list to choose from, from an ass to some other thing, any one of those things. And then the difficulty is this. If two of them work together, as the reserved and unreserved candidates, one will be an ass, another will be an elephant, rather than an ass within a ring as generally it happens for Harijains or Scheduled Caste candidates, who are working on behalf of recognised parties when the same symbol is ringed.

Shri B. S. Murthy: Nowhere a Harijan has taken an ass as his election symbol. Sir.

Shri V. G. Deshpande: He is in the ring always.

Shri Raghavachari: Therefore, I would submit that so far as the symbols are concerned, others also may be given symbols similarly.

Having said that, I would only say that I have found many of these provisions proposed necessary, and most of them will make for smooth working. I do not wish to detail all those things that make for smooth and quicker working and clarification of the things. They are all quite welcome. I feel my submissions are important matters on which we have to concentrate our attention, if we are to make the election smooth, the courts and our own conduct above suspicion and, above all, consistent with reality and truth, and if we are not to be compelled to say and do things publicly for which we are to feel sorry privately

Shri K. L. More (Kolhapur *cum* Satara—Reserved—Sch. Castes): I am grateful to you for having given me this opportunity to speak on the two measures before the House. At the outset I must congratulate the hon. Minister for having brought forward these two measures which are ultimately going to lead to smooth, fair and free elections, as my hon. friend Shri Raghavachari just said. Many hon. Members have dealt with various points in the two Bills already. Moreover since these two measures are to be referred to a Select Committee, I feel it is unnecessary for me to repeat those very points.

But I would like to draw the attention of the Select Committee to certain points and to certain clauses. The first point that I would like to deal with is in regard to nomination, i.e. clause 14 of the second Bill. I am glad that the hon. Minister has inserted a wholesome provision in this respect, saying that a declaration is unneces-

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sary in the case of the reserved candidates. My hon. frienl Shri Jaipal Singh was pointing out so many difficulties that he had to face in establishing his caste. But if the new provision is accepted by the Select Committee, and it becomes law, then my hon. friend will not have to face such difficulties.

I now come to another important matter which the hon. Minister emphasised in the course of his speech, and that is with regard to plural-member constituencies. He has inserted a new proviso in this respect, and that is a good one. That is to the effect that a candicate who is elected to a reserved seat will not be liable to have his election set aside in case an election to the general seat is called in question and set aside. In the notes on clauses it is stated:

> "Under section 54(2) in plural-member constituencies if the number of candiates qualified to be chosen to fill the reserved seats is equal to the number of such seats, all those candidates shall forthwith be declared to be elected to fill the reserved seats and a poll shall be taken in respect of the general seats. Now, if bribery, undue influence or intimidation prevailed in the contested election relating to the general seat there is no justifiable reason why the uncontested elections of the reserved candidates should also be set aside."

So this is a good provision, but it is only a partial relief.

Another point will arise. When the reserved seat candidate will not be declared unopposed, there will be election of both the members. Then the question will arise that if this election is set aside on account of this ground, the reserved seat candidate will also suffer its effect. That is not provided for here.

An Hon. Member: Quite right.

Shri K. L. More: How could you make out that corruption or undue influence or any of those grounds were due to this candidate or that candidate, because one party may say that both of them are involved? In a double-member constituency, it may so happen, and it would be a doubtful case, as to on whom to impose that disqualification. So this should be taken into consideration by the Select Committee when it goes into this matter, and section 100 should be amended suitably.

Now, I will come to the matter of the tribunal. Much has been said about it, and my hon. frind, Shri Raghavachari, also just raised a doubt. I agree with him. I think the Minister of Legal Affairs has not cited any justification for introducing this new method. Why should the third member be eliminated?

Shri Bhagwat Jha Azad: To avoid delay.

Shri K. L. More: Of course, delay can be minimised by some other means by putting certain limitations, that the case should be decided within four or six months or something like that. But a case has not been made out to say that the third member or the second member has contributed to the dealy.

Shri Pataskar: That has been the experience. In many cases, these matters were held up because the non-official member had naturally to attend to other work. Therefore, the work could not be speeded up.

Shri S. S. More: Even in ordinary courts, with one man in charge of disposal of cases, ordinary delay is the common feature.

Shri K. L. More: Here I wish to submit that the delay might have been due to so many cases; it might have been due to the retired judge or the district judge or the High Court Judge. So that may be reasonable or unreasonable—I do not wish to enter into that matter. But to ascribe this delay to the advocate may not be correct. I am not just pleading for him.

Shri Pataskar: It is not only with regard to the advocate, but even with regard to the retired district judge. In the case of those who are not in service, naturally there is such a tendency.

Shri S. S. More: If I may say so, even the district judges who happen to be chairman of the tribunals are more careful to attend to their ordinary work than to such election matters.

Shri K. L. More: I am submitting for your consideration that the right personnel may be chosen in this connection to advoid all these delays and pitfalls. But to eliminate there by reducing the number may not help in any way. Whether it is constituted of one or two or three members, it won't make any difference.

Shri S. S. More: Is there any advantage in having three members to decide a matter?

Shri K. L. More: Of course, we cannot say that the advantage or disadvantage would depend on the number.

Shri Kamath: More *versus* More!

Shri Pataskar: On the contrary, Shri Raghavachari's proposal that there should be one District Judge and an appeal to the High Court, I think, is something which deserves greater consideration.

Shri S. S. More: That was the proposal before the last Select Committee.

Shri K. L. More: Then I come to another matter regarding village officials. They are to be exempted. The Bill has provided for exemptions. I submit that the rule should be a uniform one for all the servants, whether village servants or high officers like the Seceretary or anything like that. If we have to eliminate government servants or officials, whether high or low, then the provision should be applicable uniformly. Just to exclude some village officers and retain some others is not a wholesome provision. I maintain that the whole class of officers, high or low, should be eliminated and they should be forbidden to take part in the furtherance of elections.

I come to another important matter regarding electrol roll. My hon. friend from PEPSU has just passed some ungenerous remarks on some parties and the Congress that they had a hand in the matter of the registration of voters etc. I feel that this charge is untenable. We have experience that the non-registration of Harijan voters is not due to this cause but due to ignorance and that should be removed. We must just educate them and stress the importance of Franchise. That task is before us all. I think it is not proper just to charge any party or blame any party.

The hon. Minister wants to reduce the election period. But, I submit, the reduction of 12 or 15 days will not make any difference. Let the parties or the candidates have sufficient time to go the electorate and place before them ideals of work etc. This difficulty will be there, at least, in the case of Parliamentary constituencies where the constituencies extend over miles and miles and also when the constituency is sometimes hilly and approach is difficult. In that case, if the days are reduced, the difficulty will arise. I request the hon. Minister not to lay more stress on the days. Of course, I may just request him to consider this point that before the date of election all propaganda by the parties must be forbidden for 5 days so that the voters may not be troubled and will be uninfluenced and will exercise their right of vote freely and fairly (*Interruption*). Five to six days will be sufficient.

I would like to have two or three minutes more, Sir. I wish to submit that the intention of the election law should be that the voter should be allowed to exercise his right freely and without undue influence. For that reason I wish to maintain that the voter is a real sovereign and it is his verdict that will govern the destinies of the country. It is the duty of all irrespective of party, caste or creed that the voter should be put in such an atmosphere that he will exercise his free right of vote. It is the ballot box that is to govern this country

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and, therefore, the voter should be allowed to have his free will. I wish to appeal to the hon. Minister that the election law should be framed in such a manner and amendments taken up in such a way that undue influence, bribery etc. will have no place at all. Then there will not come any question of filing of returns, on which Members have expressed their opinion. A person who may spend only Rs. 400 may not be in a position to maintain his accounts and, therefore, he will be disqualified. But a person who spends lakhs and lakhs of rupees— may be a *bania*—will be in a position to maintain his accounts properly even though he may have committed bribery and used undue influence and, therefore, his return will be quite in order. But this poor man will have to go even though he finds the support of the voters. I, therefore, submit that all these provisions are unnecessary if the voter is made independent and free to exercise his vote.

With these few suggestions I commend these two measures.

श्री नवल प्रभाकर (बाह्य दिल्ली–रक्षित—अनुसूचित जातियां) : आज हम जन प्रतिनिधि संशोधन विधेयक के ऊपर विचार कर रहे हैं। मुझे इस में जो "ग" भाग के राज्य हैं, उन के सम्बन्ध में एक बात कहनी है। उस के बाद मुझे और जो सुझाव आप को देने हैं, वह मैं बाद में दूंगा।

"ग" भाग के राज्यों के सम्बन्ध में जो कि गवर्नमेंट आफ पार्ट "सी" स्टेट्स ऐक्ट, १९५१ है, उस के अन्दर पार्ट सैकेन्ड के शेडयूल ३ में सब सेक्शन ३ में जो "ए" भाग है, इस में The number specified in the third column shall be the number of seats reserved for the Scheduled Castes और उस में अन्त में १७वें पृष्ठ के ऊपर जो शेड्यूल दिया हुआ है उस में दिल्ली के लिये ६ सीटें एलाट की गई हैं। मैं माननीय मंत्री की सेवा में निवेदन किया चाहता हूं कि जिस समय यह ६ सीटें एलाट की गई थीं, उस समय आग्यावश दिल्ली की जो जनसंख्या थी १९५१ के अनुसार, वह २ लाख, ८ हजार समझी जाती थी, किन्तु वस्तुतः दिल्ली की जो जनसंख्या थी, अनुसूचित जाति की, वह उस से अधिक थी। शेड्यूल्ड कास्ट कमिश्नर की सन् १९५३ की रिपोर्ट के अन्दर वह कहते हैं कि दिल्ली के अन्दर जो अनुसूचित जति के लोग रहते हैं उन की लिस्ट पैप्सू और यहां के शेड्यूल्ड कास्ट के लोगों की जनसंख्या कम दिखलाई गई और पंजाब की लिस्ट होने की वजह से। जैसा कि अभी पहले दातार साहब ने इस रिपोर्ट पर बोलते हुए कहा था, कि १९५१ की अनुसूचित जाति के लोगों की जनसंख्या सही नहीं थी, उस को दुबारा एस्टिमेट करने से ज्यादा आई, १०३ पृष्ठ के ऊपर वे ऐसा लिखते हैं। मैं सारा नहीं पढ़ना चाहता। सरकार ने जो एस्टिमेट किया तो उस के अनुसार यहां के अनुसूचित जाति की तादाद २ लाख ६८ हजार होती है। मैं माननीय मंत्री से कहा चाहता हूं कि अजमेर के अन्दर ८० हजार ९७४ अनुसूचित जाति के लोग रहते हैं, उनकी आबादी इतनी है। उन को ६ सीटें दी गई हैं। अजमेर की आबादी लगभग ६ लाख है या ६ लाख से कुछ ज्यादा होगी। दिल्ली की आबादी १७ लाख ४४ हजार के आस पास है और जब कि यहां २ लाख ६८ हजार अनुसूचित जाति के लोगों की तादाद है तो उस हिसाब से अजमेर के अन्दर साधारण लोगों के लिये जो एक सीट है, वह २० हजार की जनसंख्या के ऊपर पड़ती है और उस में जो सुरक्षित सीटें हैं वह तकरीबन साढ़े तेरह हजार के ऊपर पड़ती हैं, यह वहां पर विशेष कृपा कर के दी गई हैं किन्तु आप दिल्ली में आइये, दिल्ली के अन्दर जो साधारण सीटें हैं, उन का अगर आप हिसाब लगाय तो ३४ हजार २५० की आबादी के ऊपर एक सीट पड़ती है। अब अगर जो १९५१ के आंकड़े जसे थे, उन का ही हम हिसाब लगा कर देखें और २ लाख ८ हजार मानें, तो

जाहिर है कि उस जमाने में उन के साथ न्याय नहीं किया गया, तब उस अवस्था के अन्दर ३४ हजार ६६६ अनुसूचित जाति के व्यक्तियों के ऊपर एक सीट दी गई थी जब कि साधारण लोगों को ३४ हजार २५० के उपर सीट दी गई लेकिन अब हिसाब लगाने से यह संख्या २ लाख ६८ हजार हो गई है। जैसा कि इस में कहा गया है और गवर्नमेंट मान चुकी है, तो उस हिसाब से इस में जो शेडयूल ६ में दिया हुआ है, मैं माननीय मंत्री से प्रार्थना करना चाहता हूं कि शेड्यूल ६ के अन्दर के जो अंक दिये हैं उन को बदल करके २ लाख ६८ हजार के हिसाब से निर्णय करें। अगर आठ बनती हैं तो आठ सीटें दे दीजिये और अगर नौ बनती हैं तो नौ दे दीजिये। प्रवर समिति के जो सदस्य हैं उन से भी मैं प्रार्थना किया चाहता हूं कि वह इस ओर ध्यान दें और दिल्ली के लिये जो एक्ट में अंक दिये हुए हैं उन को हटा करके उस की जनसंख्या पर अगर आठ सीटें बनती हैं तो आठ दें और अगर नौ बनती हैं तो नौ दें।

इस के बाद निर्वाचन सम्बन्धी कुछ बातें मैं बताना चाहता हूं। लोक सभा का जो निर्वाचन क्षेत्र है वह काफी बड़ा होता है और उस में एक व्यक्ति जो कि उम्मीदवार होता है और खड़ा होता है उस के लिये मैं सुझाव देना चाहता हूं कि लोक सभा की जो एक कांस्टीटुएंसी है उस में सब जगह पर एक ही दिन मतदान होना चाहिये और एक ही दिन में मतदान समाप्त हो जाना चाहिये। कई जगह ऐसा देखा गया है कि एक एक हफ्ते तक मतदान चलता रहता है, किसी दिन, ५ पोलिंग बूथ पर मतदान हो गया, दूसरे रोज २० पर हो गया तो किसी रोज १५ का होता है और इस से बहुत परेशानी होती है। मैं माननीय मंत्री जी से प्रार्थना करूंगा कि वह इस तरह का प्राविजन करें कि लोक सभा का जो एक निर्वाचन क्षेत्र है उस में जितने पोलिंग बूथ पड़ते हैं, उन सब पर एक ही दिन में मतदान समाप्त हो जाना चाहिये।

हमारी दिल्ली में जो म्युनिसिपल कमेटी के ऐलेक्शन होते हैं उन में ज्यों ही चुनाव समाप्त होता है मत गणना कर ली जाती है। मैं चाहूंगा कि आम चुनावों में भी जैसे ही चुनाव समाप्त हो वहां पर जो उम्मीदवारों के एजेन्ट हों उन के सामने मत पत्र गिन लिये जायें और गिनने के बाद उन के हस्ताक्षर करा लिये जायें कि मतों की इतनी संख्या होती है।

बोगस वोट्स के बारे में मेरा यह कहना है कि चुनाव में बोगस वोट्स बहुत ज्यादा इस्तेमाल किये जाते हैं। इस के लिये कुछ न कुछ रोक थाम जरूर करनी चाहिये। इस सम्बन्ध में मैं माननीय मंत्री जी को यह सुझाव देना चाहता हूं कि यदि सम्भव हो सके तो एक परिचय पत्र या आइडेन्टटी कार्ड जैसी कोई चीज वोटर्स को दी जाये। उस से यह फायदा होगा कि जो कैन्डिडेट्स होते हैं उन को जो पर्चियां बांटनी पड़ती हैं उस से वह बच जायेंगे। उस परिचय पत्र में आदमी की वोटर संख्या दी होगी और उस से सम्बन्धित अन्य चीजें भी होंगी जैसे दस्तखत या अंगठा निशान, फोटो यदि हो सके तो और भी अच्छा है। इस सम्बन्ध में आप को अवश्य कुछ करना चाहिये।

आप ने निशान लगाने की बात कही है। लेकिन कुछ लोग ऐसे होशियार होते हैं कि वह निशान भी मिटा लेते हैं। इस के अलावा यह भी होता है कि दूसरे राज्यों से आदमी आ कर के मत दान कर जाते हैं फिर १५ या २० दिन बाद जब वह निशान छट जाता है तो अपने यहां जा कर वोट दे देते हैं।

मेरे यहां पिछले चुनाव में यह देखा गया कि जो चौपालें देहात में होती है उन में प्रायः स्त्रियां नहीं जातीं जिस से बेचारे उम्मीदवार को बड़ी परेशानी हो जाती है। मैं ने जा कर प्रार्थना की लेकिन स्त्रियों ने इन्कार कर दिया कि नहीं हम चौपाल में नहीं जायेंगी। इसलिये ऐसी जगह पर पोलिंग बथ बनायें जायें जो कि

[श्री नवल प्रभाकर]

चौपाल हों। ऐसी जगहों पर बनाये जायें जहां पर कि जन साधारण जा सकें।

श्री पाटस्कर : चौपाल क्या होती है ?

श्री नवल प्रभाकर : चौपाल कम्युनिटी हाल जैसी चीज होती है। आप उस को पंचायत घर भी कह सकते हैं। हमारे यहां चौपाल कहते हैं, पंजाब में जो हरियाना का इलाका है वहां भी चौपाल कहा जाता है। पैप्सू में भी चौपाल ही कहते हैं। पैप्सू में अभी जो एलेक्शन हुए उन में चौपालों के अन्दर स्त्रियां नहीं गयीं वोट देने के लिये। तो आगे से जो पोलिंग बूथ्स हों, वह चौपालों में न रक्खे जायें कोई स्कूल हों या, किसी ऐसी दूसरी जगहों में उन को रक्खा जा सकता है। और यदि और कहीं प्रबन्ध न हो सके तो टैन्ट लगा कर ही इस का इन्तजाम किया जाय।

इस के अलावा ऐलेक्शनों में जो भ्रष्टाचार होता है उस की ओर भी मैं आप का ध्यान दिलाना चाहता हूं। वास्तव में हमारे सारे देश में ही दारूबन्दी होनी चाहिये, किन्तु मैं माननीय मंत्री जी और सरकार से अपील करना चाहता हूं कि जिस दिन नामिनेशन पेपर भरे जायें और जब तक मतदान समाप्त न हो जाये इस बीच में सारे देश के अन्दर शराब बन्दी होनी चाहिये ताकि जो बड़े बड़े पैसे वाले हैं जो पूंजीपति लोग हैं, अथवा राजे लोग हैं जो कि ऐलेक्शन में खड़े होते हैं, और चुनाव के लिये अपने पैसे का दुरुपयोग करते हैं, वह अपने पैसे का दुरुपयोग न कर सकें और गरीब लोगों को शराब आदि दे कर अपने पक्ष में वोट प्राप्त करने की कोशिश न कर सकें। यह तो कम से कम सरकार के बस की बात है। इसलिये मैं सरकार से ही निवेदन करना चाहता हूं कि जिस दिन नामिनेशन पेपर फाइल किया जाय उस दिन से ले कर जब तक मतदान खत्म न हो जाय, तब तक के लिये तमाम देश के अन्दर शराबबन्दी कर दी जाय।

यह कुछ सुझाव हैं जो मैं ने आप के सामने रक्खे हैं। मैं समझता हूं कि प्रवर समिति उन के ऊपर विचार करेगी और स्वीकार कर के देश को फायदा पहुंचायेगी।

Shri Dabhi (Kaira North): I welcome the two Bills which are before the House and especially the second Bill which seeks to amend the Representation of the People Act, 1951, because it seeks to make the election procedure more simple and less complicated, less ambiguous and more explicit and more expeditious and less delaying. Let us take section 33 of the Act regarding the presentation of the nomination papers and the requirement of a vaild nomination. We know that this procedure is very complicated, and therefore, it is good that the new section 33, which is a substitute for the original section, wants to remove the restriction on the number of nomination papers which a proposer can subscribe, does away with the necessity of a seconder and dispenses with the declaration regarding the appointment of an election agent in regard to which there have been so many election petitions. But I do not approve of the suggestion that the nomination papers should not be subscribed even by a proposer also. My hon. friend Shri D. C. Sharma said that there was no necessity of even a proposer and he gave the reason why there should not be any necessity of a proposer. He said that the proposers also give troubles to the candidates. I do not know what trouble the proposers may be giving. I do not know what was in his mind, but perhaps the only conjecture that he was making is that the proposer may be asking for something for subscribing to the nomination papers. If that be so, I do not know what to do with that, but then, of course, it means that the man who becomes a candidate has no honest supporter out of the several lakhs of voters. So, even from the very fact that he has got not even one man who is an honest supporter, it is better that he should not stand as a candidate. But if you have a proposer it shows at least that the candidate has got some support. He has to file

four or five nomination papers and let the people know that the candidate has got four or five supporters. Even in ordinary meetings, when any resolution is being put forward, if it is not supported or seconded by somebody, it is not allowed.

Mr. Chairman: The hon. Member is aware that if the member's name is wrongly given in the constituency list, then the whole nomination goes away.

Shri Dabhi: Then there should be some steps taken in that regard. We have to see that the lists are correct and kept properly. But, on the whole, I feel that my hon. friend was not quite convincing.

Shri Pataskar: The general desire is that we should not, as far as possible, create hitches at the stage of nomination. That is the idea.

Shri Dabhi: At least the name of the proposer must be there. The Bill also does not do away with the necessity of the proposer.

Then, I want to say a few words about section 36. Sub-section (2) of this section enumerates five grounds on which a nomination paper may be rejected. Under the present law a person is disqualified from being elected as Member if he has any disqualifications under any article of the Constitution. For exemple, if he has any share in a Government contract or if he holds an office of profit, he is disqualified. Now, at present, the returning officers can reject the nomination paper on the ground that the person was disqualified on the ground that he holds an office of profit. There are two aspects here. One is that it will make the Returning Officer do all these things expeditiously. But on the other hand I am afraid whether it would not lead to more and more election petitions. It is stated here that out of 388 election petitions, arising out of the last general elections, about 116 related to improper rejection of nomination papers. I would like to know from the Government whether those allegations were true or false. If they were true, then the Returning Officer should not be given the power to reject nomination papers, so that the parties concerned may not be involved in further expenditure.

I would now refer to clause 12. Under the existing law, at least 30 days have to be allowed between the last date for the withdrawal of candidates and the commencement of the poll. This period has now been reduced to ten days. The reason given by the Government is that by making the election programme shorter, the overall election expenses of candidates would be reduced. I agree that if the overall expenses are reduced, it would be advantageous to candidates of ordinary means. But there is another difficulty. I think that unless we reduce the maximum amount of expenditure which a candidate can incur, this provision would not be of advantage to the candidate of ordinary means. For instance, a rich candidate would engage five motor-cars when he has to finish his election propaganda within 30 days. But if he has to do it within, say, 20 days, he can engage ten motor-cars and finish the election campaign. Therefore, in my opinion, so long as the overall maximum expenditure is not considerably reduced, the ordinary candidate would not be benefited.

Shri Pataskar: We are prescribing rules for reducing the maximum expenditure.

Shri Dabhi: My suggestion is that instead of leaving it to Government to prescribe rules, there should be a provision in this Bill itself as to what shall be the maximum expenditure; the Select Committee may also think over it.

Mr. Chairman: It will be laid before Parliament.

Shri Dabhi: It may be laid before Parliament, but it is better if we discuss it here. My suggestion is that this maximum expenditure should be

[Shri Dabhi]

considerably reduced. There is one reason given—I think it is the opinion of the Election Commission also—that the returns that are submitted do not contain the real expenditure and that more money has been spent. Of course we know, this; but we must find out some way of preventing this also. The real point is that it corrupts all the voters. In my opinion, something must be done so that nobody can go beyond the maximum limit prescribed by law. My suggestion is that during the elections, the States should employ all the C. I. D. people to supervise the elections, so that it can be found out afterwards whether the candidates have given bribes or not.

I shall refer to clause 19. Section 38(2) as amended says that the list of candidates shall contain the names in the alphabetical order. I want to make one observation about this. We know that all these lists of voters are being printed in the regional languages. After the nomination papers have been filed, the list which is being published by the returning officer is printed in English. What would be the alphabetical order? Is it according to the regional language or English? That was the difficulty at least in my district. According to the alphabetical order in the regional language the name of a particular candidate would be the third whereas according to the order in English, his name may become first. It is necessary to make some explicit provision in regard to this matter.

Taking the Representation of the People (Amendment) Bill which seeks to amend the Act of 1950, the existing section 23 of the Act of 1950 says that the electoral roll for each constituency shall be prepared every year in the prescribed manner etc. The proposed new section says that after the first election roll is prepared, such roll shall thereafter be revised in every subsequent year. It means that there is no necessity to prepare a new roll again, but it should be revised. I have nothing to say about that. The reason given is that it is very difficult and expensive to prepare new rolls again.

Shri Patasker: In fact, it was revised, but shown as prepared.

Shri Dabhi: I quite follow that. I have nothing to say about that. Whether you prepare a new roll or revise it, my point is it should be correct. My experience is, and I think the experience of many Members is though the first electoral rolls were prepared after visiting every house, there are several, numerous mistakes. In several cases, not one or two, men voters have been shown as women voters, female voters have been shown as male voters, some fathers have become sons and sons have become fathers. There are several lists where dead people are shown as living. Several names have been so mutilated that it is very difficult to say as to who is the man shown in the list. Whether new rolls are prepared or the old ones are revised, Government must see that they are correct. It may be said, if a person's name is not found in the list; why did he not go to the officer and get it corrected? That would be very difficult. As we all know, most of the present voters are quite illiterate and we cannot expect everybody to go and see whether his name is in the roll or not and apply for correction. It is the duty of the Government to see that all these lists are correct as far as possible. Every possible step should be taken to see that these rolls are complete. You cannot deprive any voter of his right. We say every person who is above 21 years of age is allowed to vote. That is all right. If his name does not appear in the list or if you do not allow him to vote because the name is not correct, it is not proper. My suggestion is that the Government should issue directions to the State Governments to see that, whether the rolls are newly prepared

or revised, there are no mistakes in the list.

MACHINE TOOL PROTOTYPE FACTORY, AMBARNATH

5 p.m.

Mr. Chairman: It is 5 p.m. Shri M. L. Dwivedi to raise a half-an-hour discussion on points arising out of answers given on the 22nd August, 1955 to Starred Question No. 991 and Short Notice Question No. 7 regarding Machine Tool Prototype Factory, Ambarnath.

श्री एम० एल० द्विवेदी (जिला हमीरपुर) : सभापति जी, जैसा कि अभी आप ने बतलाया, मैं मशीन टूल प्रोटो-टाइप फैक्टरी, अम्बरनाथ के विषय में प्रश्न संख्या ९९१ और जलहाली की मशीन टूल फैक्टरी के सम्बन्ध में अल्प सूचना प्रश्न संख्या ७ के उत्तर से जो बातें उत्पन्न होती हैं, उन के सम्बन्ध में थोड़ा सा विवाद विवाद इस सदन में प्रस्तुत करता हूं ।

इन प्रश्नों के उत्तर में सरकार की ओर से यह बतलाया गया था कि अम्बरनाथ और जलहाली की फैक्टरीज के सम्बन्ध में जो आलोचना मशीन टूल कला के विशेषज्ञ श्री जे० डी० स्केफ ने की है, उस में कहां तक तथ्य है, इस बात के आधार पर सरकार ने अपनी नीति निर्धारित की है । इस प्रश्नों के उत्तर में जो बयान सदन-पटल पर रखे गये हैं, उन से जाहिर होता है कि सरकार ने श्री स्केफ की रिपोर्ट को कोई मान्यता नहीं दी, क्योंकि उन में यह बतलाया गया है कि इस नवजात उद्योग के प्रति श्री स्केफ के विचार ईर्ष्या और द्वेष के भावों से भरे हुए थे । इस कारण यह पहले से ही सरकार को ज्ञात था कि श्री स्केफ इन फैक्टरियों के विरोध में अपना मत देंगे । श्री स्केफ भारत में आये भारत सरकार के बुलाने पर । इन को कोलम्बो प्लान के अन्तर्गत यहां आने का निमंत्रण दिया गया था । यह बात बड़ी रहस्यजनक ह कि जब सरकार को ज्ञात था कि भारतीय मशीन टूल उद्योग के प्रति श्री स्केफ के विचार ईर्ष्या और द्वेष से भरे हुए हैं, फिर भी ऐसे शख्स के हाथ में उस ने इस उद्योग की जांच पड़ताल करने का काम सौंप दिया ।

इसके अलावा रोल्स-रायस के प्रतिनिधि भी यहां आये और उनकी रिपोर्ट डिफेंस मिनिस्ट्री के हाथों में है । सदन को अभी तक ज्ञात नहीं हुआ है कि उन लोगों ने इस सम्बन्ध में क्या विचार प्रकट किये हैं । इस बारे में भी प्रकाश डाला जाना चाहिये । सदन को मालूम होना चाहिये कि क्या श्री स्केफ के ही विचार इस प्रकार के हैं या दूसरों के भी ।

इसके साथ ही साथ मैं सरकार का ध्यान पब्लिक एकाउंट्स कमेटी की रिपोर्ट की ओर आकर्षित करना चाहता हूं—यह चौदहवीं रिपोर्ट है—, जिसमें इस उद्योग के सम्बन्ध में बहुत सी महत्वपूर्ण बातें दी गई हैं । इस के अतिरिक्त १९५४ की डिफेंस आडिट रिपोर्ट में भी बहुत से तथ्य दिये गये हैं । एक महत्वपूर्ण बात यह है कि ओर्लीकन्ज से जो करार हुआ था, उसमें यह निश्चय किया गया था कि अठारह महीने में फैक्टरी का काम शुरू हो जायगा और २४ महीने में यह उद्योग पूरी तरह से काम करने लग जायगा यानी इसका उत्पादन अपनी पूरी कैपेसिटी के मुताबिक होने लग जायगा, लेकिन जो काम १९५० में चालू होना चाहिये था और १९५१ में जिसका पूरा उत्पादन प्रारम्भ हो जाना चाहिये था, उसका उद्घाटन १९५३ में होता है और उद्घाटन होने के बाद भी केवल थोड़ा सा सामान बनने के अतिरिक्त वहां पर कोई विशेष कार्य नहीं हुआ है । मान लीजिये कि श्री स्केफ के विचार ईर्ष्या और द्वेष से भरे हुए हैं, परन्तु क्या संसद् की प्रतिनिधि समिति, लोक लेखा समिति, के विचार भी द्वेश से भरे हुए हैं ? क्या रोल्स-रायस के प्रतिनिधियों के विचार भी द्वेष से भरे हुए हैं । मुझे आशा है कि माननीय मंत्री हम को बतलायेंगे कि इस ओर्लीकन्ज कम्पनी के एन्टेसीडेंट्स कैसे थे, उन्होंने कहां कहां काम किया और कहां कहां अच्छी

[श्री म० ल० द्विवेदी]

नीयत से और ठीक तरह काम किया । जिन माननीय सदस्यों को इस विषय में ज्यादा जानकारी है, वे अन्य प्रश्न उठायेंगे, लेकिन मैं सरकार का ध्यान इस ओर आकर्षित करना चाहता हूं कि करार के अनुसार इस कारखाने के खोलने में निश्चित अवधि से दो वर्ष का विलम्ब हुआ और अभी तक इसमें केवल दो प्रकार के टूल ग्राइन्डर, मोटराइज्ड ग्राइन्डर, पालिशिंग मशीन और मोनो-ड्राइवर ही बन पाये हैं । पूर्ण उत्पादन के क्षेत्र में उतरना तो दूर, अभी तक आंशिक उत्पादन की परिधि के बाहर भी कारखाना नहीं जा सका है । इस से स्पष्ट जान पड़ता है कि कारखाने की प्रगति सन्तोषजनक होने से अत्यन्त दूर है ।

पब्लिक एकाउंट्स कमेटी का सदस्य होने की हैसियत से मैं इस ओर भी सरकार का ध्यान आकर्षित करना चाहता हूं कि इस बारे में एक सब-कमेटी बनाई गई थी, जिसके सदस्य हमारे लीगल एफेयर्ज के मंत्री, श्री पाटस्कर, श्री य० सी० पटनायक और मैं थे । हम तीनों आदमी अम्बरनाथ गये थे और वहां हम ने इस फैक्टरी की पूरी देख-भाल की थी और उस के दौरान में हमें बतलाया गया कि जो आदमी विशेषज्ञ की हैसियत से स्विट्जरलैंड से बुलाये गये थे, उन्होंने कहा है कि हिन्दुस्तान में आ कर हमें इस बात का अच्छा मौका मिला है कि हम मशीनटूल और डिजाइनिंग का काम सीख सकें । जो लोग वास्तव में इस काम को जानते ही नहीं थे, उन को विशेषज्ञों के रूप में हमारे ऊपर थोपा गया और उन को बड़ी ऊंची तन्ख्वहें दी गईं । जरा विचार कीजिये कि इस तरह से कहां तक इस उद्योग की प्रगति हो सकती है और उसको सफलता मिल सकती है ।

सरकार के वक्तव्य में यह बताया गया है कि सरकार का ध्यान विशेष तौर पर इस बात की ओर है कि हमारे यहां से जो लोग स्विटजरलैंड जायें, वे विशेषज्ञता में ट्रेनिंग पा सकें । किन्तु अभी तक सिर्फ अठारह आदमियों को शिक्षा मिली है और उनका चुनाव इस प्रकार से किया गया कि उनमें से भी किसी ने कोई विशेष दक्षता प्राप्त नहीं की । या तो उन लोगों की शिक्षा ही ऐसी मिली कि वे कुछ सीख न सके और या आदमी ही ऐसे भेजे गये, जो इस योग्य ही नहीं थे । इस सब का नतीजा यह है कि अभी भी वहां पर तेरह स्विटरजरलैंड के विशेषज्ञ काम कर रहे हैं, जब कि करार का यह छठा साल है ।

ट्रेनिंग स्कूल के बारे में कहा गया है कि उसकी मुक्त कंठ से प्रशंसा की गई है । इस विषय में मेरे निजी नोट में यह कहा गया है :

"The party were then taken to the training workshop. The building and equipment is very costly. The party had no opportunity of knowing the progress made by the trainees, as the second and third year students were said to have been let off on the previous day, and only the pupils of the first year were engaged in their first lesson. The instructors in this institution had also been sent by the Oerlikons. It was stated that the instructors did not possess university degrees but were only technicians. Some were said to have left, and some were removed by the administration. The party were informed that there was no examination of the trainees by any outside agency. Only the the principal, a German technician and his staff (mostly Swiss) who handled the classes conducted the examinations. As the expenditure in this training centre must be justified by the training imparted to the trainees and the standard of efficiency tested by some out-

side agency, it is held that an institution of repute like the Engineering College, Kirkee, should be entrusted with the work of conducting the trade test with a view to judge the efficiency of the trainees from time to time."

हमारे ट्रेनिंग स्कूल के बारे में कहा गया है कि हर साल उस में एक सौ प्रशिक्षणार्थी भरती किये जाते हैं और वह बहुत ऊंचे स्तर का प्रशिक्षण-केन्द्र है। मुझे इस बात की बहुत खुशी है लेकिन जब मैं ने वहां के काम को देखा और उस जर्मन एक्सपर्ट को देखा, तो मुझे ज्ञात हुआ कि छोटी छोटी बातें बतलाने और सिखाने के अलावा कोई भी महत्वपूर्ण बात वहां पर नहीं सिखाई जाती है, जिससे कि प्रशिक्षणार्थी मशीनटूल और डिजाइनिंग में कोई विशेष योग्यता प्राप्त कर सकें। छोटे छोटे माडल वहां पर जरूर बनाये गये हैं जिन को बनाना हमारे मैट्रिकुलेट्स प्राईवेट इंस्टीट्यूशन्ज में ही सीख जाते हैं।

मेरे कहने का मतलब यह है कि जिस संस्था पर करोड़ों रुपया व्यय हुआ है सरकार उस पर विशेष ध्यान नहीं देती, और उसमें अभी तक सफलता नहीं मिली यह बड़े शोक की बात है। मैं इस सम्बन्ध में दो एक बातें कह कर अपना स्थान ग्रहण करूंगा।

Mr. Chairman: Order, order. The hon. Member must realise that this discussion is only for half an hour. He has already taken ten minutes, There are about 10 or 11 Members who want to put questions. At least ten minutes should be allowed to the hon. Minister. I do not know how many of those 10 persons who want to put questions are in the House; many of them are not present, but still there are some who would like to put questions.

श्री एम० एल० द्विवेदी : I will finish in two minutes.

ओरलीकन्स कम्पनी को करार के अनुसार ४२·३६ लाख पेशगी दिया गया। जब कि मशीन आदि का मूल्यांकन ही नहीं हुआ था, इस रकम का अनुमान कैसे लगाया गया ?

फारवार्डिंग एजेंट की रसीद के बिना, और करार की शर्तों के प्रतिकूल १५७·९५ लाख की रकम कम्पनी को क्यों दी गयी। इस नियम के विरुद्ध भुगतान के लिये कौन जिम्मेदार है तथा उसके विरुद्ध क्या कार्रवाई की गयी। यदि नहीं की गयी तो क्यों ?

कारखाने के काम का अन्य सामान क्रय करने का मनमाना अधिकार कम्पनी को क्यों दिया गया, जब कि नियमानुसार सामान के क्रय करने में किफायत की जा सकती थी और बहुत सा सामान इसी देश में उपलब्ध हो सकता था। इस कम्पनी ने इंगलैंड से भी कुछ सामान खरीदा था। उस पर उसने २५ पर सेंट और लिया था। क्या यह सच नहीं है कि प्रतिरक्षा मंत्रालय ने विदेशी कम्पनी द्वारा क्रयादि पर कोई नियंत्रण नहीं रखा जब कि ऐसे नियंत्रण के लिये करार में व्यवस्था थी।

१९५४ की प्रतिरक्षा मंत्रालय की आडिट रिपोर्ट और लोकलेखा समिति के १४वें प्रतिवेदन से स्पष्ट है कि करार में विवरण पूर्ण उत्पादन कार्यक्रम की रूपरेखा का अभाव इस बात को प्रमाणित करता है कि करार दोषयुक्त था जिसका फल यह हुआ कि कम्पनी ने करार की रस्मी तौर पर खत्म कर देने की मांग की है जब कि यह शंका थी कि उत्पादन पूर्ण परिधि तक पहुंच सकता है।

Mr. Chairman: Order, order. I do not know how the hon. Minister will be in a position to reply to all these questions. He is reading at such a fast pace that it is not possible to follow.

Shri M. L. Dwivedi: I will hand over the note.

रक्षा मंत्री (डा० काटजू) : सवालों के जवाब की उनको तमन्ना नहीं है ।

Mr. Chairman: Has this note been handed over to the Minister?

Shri M. L. Dwivedi: I will hand over this note to him.

Mr. Chairman: Then he will consider it and then reply? This note should have been given to him earlier so that he could make a reply. Or he must read it rather slowly.

डा० काटजू : मैं सवाल नोट कर लूंगा और उनका जवाब बाद में दे दूंगा ।

श्री एम० एल० द्विवेदी : I will read slowly.

इन अनियमितताओं में यह तमाशाई रूप से प्रकट है कि यह योजना अवास्तविकता के आधार पर स्थापित की गयी और गैर जिम्मेदारी से कार्यान्वित की गयी । कमेटी का यह मत है कि व्यावहारिक रूप में कम्पनी का करार समाप्त हो गया है । फिर भी वे जानना चाहेंगे कि जितने उत्पादन के लिये कारखाना खोला गया उसे पूरा पूरा काम में लाने के लिये सरकार क्या कुछ कर रही है । इस बात का जवाब दिया जाये ।

इस सम्बन्ध में ज्यादा न कह कर सरकार से यह प्रार्थना करूंगा कि इस कम्पनी पर जनता का रुपया व्यय हो रहा है । हमें आश्वासन मिलना चाहिये कि इस कम्पनी को बहुत ठीक तरह से चलाया जायगा और प्रबन्ध में जो कमी होगी उसको पूरा किया जायगा और जो खर्चा इस पर होता है उसको जस्टीफाई किया जायगा तथा कारखाने से पूरा उत्पादन करने की ओर कदम उठाया जायगा ।

Dr. S. N. Sinha (Saran East): I would like to know only one fact whether it is not the same firm of Oerlikons which supplied about Rs. 2½ crores worth of ammunition to the Egyptian Government during their war with Palestine, that ammunition did not work and a large number of soldiers were killed, which ultimately brought about the fall of King Farouk. Knowing that this firm has such a dealing with other countries, why did our Government sign a contract for this Ambarnath project with the same firm?

Second point is: it was a patent fact that the Oerlikons could not supply all the machinery needed for our Ambarnath project. They bought perhaps the major part of the machinery from Germany, paid for them in German marks and charged us in Swiss francs which made a difference of from 10 to 30 per cent. This way they made an extra profit. What was the justification for paying them in Swiss francs?

Shri Vallatharas (Pudukkottai): I had an opportunity to see the Machine Tool Factory at Bangalore when the Public Accounts Committee visited it. All the remarks that were passed by the Public Accounts Committee and the Estimates Committee are quite correct. I regret to say that the Government have failed to consider the views expressed by these two valuable Committees in the practical sense. Of course, we want the industry certainly to be established on a very firm basis. While we recognise the value and the need for this industry, the history of the past 3½ or 4 years over the implementation of this scheme is lamentable. Twelve crores of rupees are considered to be the share capital of the institution and the responsibility of the Government in this matter is a matter to be greatly thought of. The U.K. expert....

Mr. Chairman: Order, order: the hon. Member can only put questions.

Shri Vallatharas: I will put the questions now. The U.K. expert's views are couched in very strong

language. The Government may be pleased to answer one point. The U.K. expert says:

> "To attempt machine tool manufacture before the specification covering productivity and quality performance are known is to risk the expenditure of capital on unwanted machine tools and waste of skilled labour."

This is a matter which the Government should have been able to consider and acquaint the House with their views.

Shri Rane (Bhusaval): Let us know the question.

Shri Vallatharas: You have to put it in the question form. What consideration has the Government given to the suggestion of the U.K. expert, the suggestion that I have stated above?

The other point I want to submit is this. The Engineering Capacity Survey Committee had stated that it is imperative and very urgent that reliable statistics are obtained as to the machine tool requirements of this country as without that information it will be impossible to estimate the demands, and the progress of the factory depends to a large extent on the progress of the other industries. This is on page 138. Of course, they have made comments that the Government have not been helpful in providing them with full particulars to consider the matter. I want to know, after the publication of this report, what attempt the Government have made to satisfy these requirements which the Committee had mentioned.

Dr. Jaisoorya (Medak): May I put a question, Sir?

Shri Kamath (Hoshangabad): I had given my name, Sir.

Mr. Chairman: I do not find his name.

Shri Kamath: Yesterday, I had given my name.

Mr. Chairman: Then, he can put the question.

Shri Kamath: Just half a minute, Sir. The sorry tale un-folded by my hon. friend Shri Dwivedi is only a repetition on a much larger scale of the folly of an earlier ill-conceived project, particularly in regard to unqualified and under-qualified experts and technicians, the project of the Prefabricated Housing Factory, where the expert who was regarded as an engineer was ultimately found out to be a mere landscape architect, where the whole thing had collapsed and become an ignominious fiasco. I want to put only one question. It has been pointed out by the Public Accounts Committee in their Fourteenth Report, Defence Services, Volume I, 1954-55 page 15 in concrete terms that they would like to be apprised as to how far the factory in its present state could meet the defence requirements and what steps Government propose to take for utilising the installed production capacity fully. Have Government taken any steps in this direction? Have they appointed a Committee, departmental or otherwise, for going into this matter and when will they apprise the PAC of this—whether it will take a long time or whether it will be shortly?

Dr. Jaisoorya: What applies to the Machine Tool Factory also applies to the Hindustan Aircraft Factory. I want to ask only one question. Why was the Messerschmidt report not accepted? Is it not a fact that the present managing director has no technical qualifications except, according to my information that he was only an instrument repairer?

Shri Velayudhan (Quilon *cum* Mavelikkara — Reserved — Sch. Castes): What about the Secretary there?

Dr. Katju: It may not be possible for me to refer and answer to each question *seriatim*, but probably the purpose would be served if I gave a short history of this factory.

[Dr. Katju]

The House is aware that the basic policy of the Government has been, during the last 7 or 8 years ever since the advent of Independence, to attain self-sufficiency in production of armaments and ammunition of all kinds as quickly as possible. It may be that we thought that the progress should be much quicker and we, therefore, advanced at a very rapid pace. We should have advanced at a slower pace, but that was the object. When the Ambarnath Factory was designed and constructed, the idea was mainly to attain self-sufficiency in the designing and production of prototypes. As you are aware, prototype is a very complicated affair and it takes years and years to design and to perfect. Let me be quite candid here that we have been very good lawyers and very good or competent doctors, we have produced very fine engineers, but so far as ballistics is concerned, so far as armament business is concerned, we Indians have been kept completely away by the British rulers of the day. We had nothing to do with it and, therefore, our attainment in this direction was poor. We are rapidly making ground, but yet we are not so well versed in this branch as we ought to. The result is that the progress, not only in Ambarnath but everywhere else too, is a bit slow.

The House is aware that Rs. 5 crores were spent upon this Ambarnath Factory. It may be because it was a very ambitious plan and sometimes the aim is to build a sort of show on the most modern lines, and the most modern thing costs you much. Rs. 5 crores were spent upon it, and out of this Rs. 2½ crores were spent on the prototype section, Rs. 70,00,000 were spent upon the provision of an artisan school to which my hon. friend just now referred, and the remaining Rs. 1:7 crores were spent upon the machine tool side of it. It was then thought that while the prototypes were going to be slow,—there was not going to be any return, so far as prototypes were concerned, quickly and it must take years and years—the machine tools may be able to yield return much quicker. That was the expectation I am free to confess here that that expectation had not been realised—and for a very simple reason. The machine tools which we wanted to produce in this factory were for our ordnance factory, for our ordnance purposes. It was not thought that the orders of the ordnance factory may not be equal to our requirements to keep this factory going, and, therefore, we concentrated upon ordnance orders. The result was that the outturn was small because the number of orders was not as large as we expected. The House may be glad to know—my hon. friend wanted it—that we have now changed our policy. We have asked other Ministries—the Ministry of Commerce and Industry, the Railways—and even private dealers to give us orders so that the factory may be fully employed.

So far as the prototypes are concerned, I do not want to go into details and it will not be proper for me to do so, but the factory is employed to a large extent. I hope that in the years to come when our designing talent and production talent has developed from experience and are Indian becomes as good in designing as persons who are to be found everywhere, this factory will be found useful. Let—the House please not take a—what may be called—rupees, annas, pies attitude in this matter. It is true that Rs. 5 crores had been spent—you may say. I am not complaining of that. You may say that the country should have waited another five years or ten years before starting this factory. But whenever this factory had been built whether it was 1948 or 1949 or 1950 there was bound to be a timelag. If you were to consider that from the very first day after the factory was built, there would be full production and profit to the extent of five per cent or six per cent or the net profit would be to that extent, it was absolutely impossible. You may

this from me also that a prototype factory would never give a profit and loss account about it.

My hon. friend Dr. Sinha has travelled a great deal. He has got a great advantage over me. He asked some questions about the Swiss consultants. So far as that question is concerned I can only go by the information which I receive from my expert advisers. These Swiss people were consultant engineers of world-wide fame. As to whether they should have been consulted after consulting my hon. friend Dr. Sinha is a different matter.

Shri M. L. Dwivedi: The Egyptian Government might have been consulted.

Dr. S. N. Sinha: As your First Secretary in Bonn at that time I should have been consulted.

Dr. Katju: I am entirely in his hands. (*Interruptions*) And I will be in his pocket.

Shri Kamath: A capacious pocket.

Dr. Katju: But the difficulty is that Government business is not carried on these lines that we go about consulting every hon. Member of Parliament; I may say that everything that he says is tendentious. I do not want to go into that. But the fact is this. At the time when they were employed they were considered to be very competent people, skilful and experienced engineers and I think it is not proper for us to say that they deliberately misled us in any way.

Mr. Chairman: The point is not that they deliberately misled. The point is whether what he says is true; then it will follow Government did not take full care in selecting these people. That is his point.

Dr. Katju: I really do not know. He said something about German fighting. In this half-an-hour discussion, it may be a good thing if the hon. Members who propose to take part in it, let the Minister have half-an-hour or one hour beforehand the precise questions which they want to put so that information may be available. You can realise my difficulty. It is a matter which happened five years ago and I have not got even the files. It will be difficult for me to discover the files.

So far as Scaife is concerned, I do not want to cast the slightest personal reflection upon him. He is a gentleman who is closely associated with the machine tool industry. We know that in the West, America and United Kingdom, there is a tendency for these industries to be capitalistic. He came here. According to my information, he spent not more than two hours in the Ambarnath factory. Some people say he spent even less. Then he came out with the most strong condemnation of the factory itself which shows that he had pre-conceived notions. It may be that if he had been consulted beforehand he would have strongly advised, as he says in his report, that no machine tool factory is required at all. With this particular proposition, I am not willing to agree because if this country is going to be independent then there must be self-sufficiency in ammunitions, in firearms and in everything—no matter how much money we may have to spend.

Dr. S. N. Sinha: But good firearms—not those which will not fire when we use them.

Dr. Katju: There is no agreement between me and my hon. friend upon the basic principles. What he says is: "What you are going to manufacture is worthless. It will not fire." I say, it is going to fire. Let us go to Ambarnath Factory and see what is going to be done. He may be a good anti-Communist; he may be a good traveller, but I never knew that he is a good fire-arms man, an authority about armaments.

Now, the net position today is this. We are carrying on manufacture of

[Dr. Katju]

prototype machines. Many projects are in hand and they are being rapidly developed. The artisan school.—I do not know what happened when my hon. friend went there and when the German professor or teacher was instructing them—from the report I have received, is carrying on fine work. Everybody who visits it says a good word about it. So far as the Machine Tool Factory is concerned we are doing our best to enlarge its operation. We are asking for orders not only from the Ordnance Factory but we are also asking for orders from other Government departments and from civil trade. We want to make the Machine Tool Factory as useful as we can, so that it may not merely earn profit but, because it is a national asset, it may be of advantage to all.

Mr. Chairman: What about the report of the Rolls Royce people? Some engineers went there and gave some opinion. Shri Dwivedi wanted a specific answer to that question.

Shri M. L. Dwivedi: The Rolls Royce engineers have also given a report to the Defence Ministry. What about that report?

Dr. Katju: I will look into that matter. If my hon. friend will send in his questions I can give the information. I am very happy if hon. Members take interest in the Defence Ministry...

Shri Vallatharas: Will it please the Government to have a full discussion on this question?

Dr. Katju: If hon. Members will let me have their questions I will let them know privately what the matter is.

Shri Vallatharas: In view of the seriousness....

Mr. Chairman: No question of any seriousness. The hon. Minister has stated that if any hon. Member wants to put any question he will be pleased to answer them. If there is any information to be obtained it can take the form of a question to the hon. Minister and thereafter if the hon. Member is not satisfied then at another time the same question can be raised.

Dr. Katju: You put me questions and I will let you know.

Dr. S. N. Sinha: If you leave it like that, he won't answer..

Mr. Chairman: Now, the time is up.

Shri M. L. Dwivedi: May I just make a suggestion in view of what the hon. Minister has said?

मैं ने जो अपना एक नोट तैयार किया है वह मिनिस्टर महोदय को दे दिया है। उसमें जो प्वाइंट्स हैं उन का जवाब टेबल पर रखने की क्या मिनिस्टर महोदय कृपा करेंगे ?

Dr. Katju: I must have time to read and digest it.

Shri M. L. Dwivedi: Yes, but.....

Mr. Chairman: Order, order. It is past 5-30 now.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday the 22nd September, 1955.